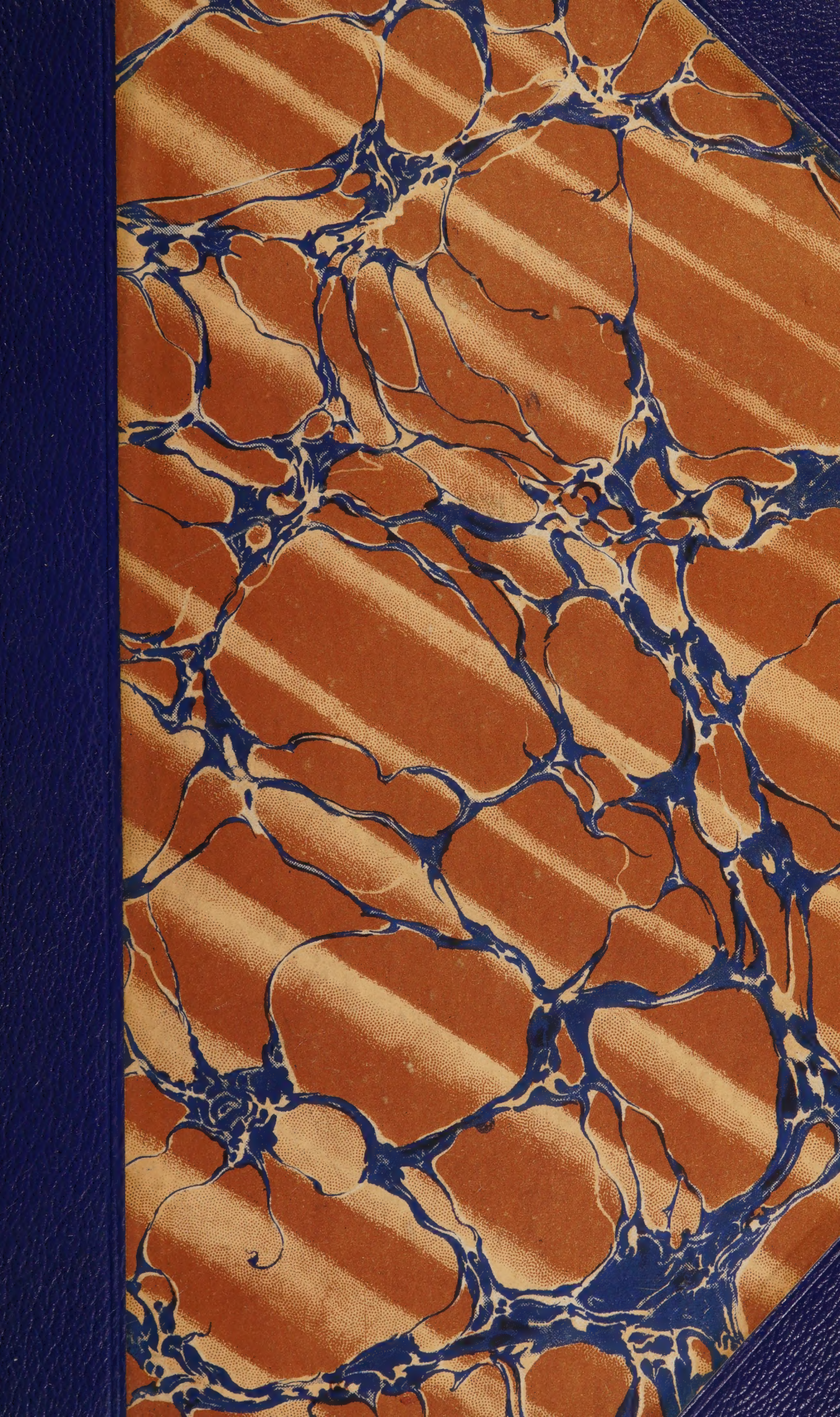

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Report No. 114.

HOUSE OF REPRESENTATIVES.

WILLIAM T. G. MORTON—SULPHURIC ETHER.

FEBRUARY 23, 1849.
Laid upon the table, and ordered to be printed.

Dr. EDWARDS, from the Select Committee, to whom the subject was referred, made the following

REPORT:

The Select Committee, to whom was referred the memorial of William T. G. Morton, asking compensation from Congress for the discovery of the anæsthetic or pain subduing property of sulphuric ether, report:

That the following memorial was presented to the House on January 19, 1849, and was on the next day referred to the committee:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, William T. G. Morton,

RESPECTFULLY REPRESENTS:

That he is a dentist in the city of Boston; that in the year 1846, and for several years previously thereto, he was in the prosperous and lucrative practice of his profession in that city, his actual annual receipts from his business, as his accounts will show, being between nine and ten thousand dollars.

That his occupation obliging him to see frequent instances of physical suffering, he was, as many others had been, induced to consider whether there might not be some means of alleviating such sufferings, and rendering operations less painful to those obliged to submit to them.

That in pursuance of this object he examined such known and approved treatises on materia medica as he could obtain, and consulted with the most learned persons to whom he could get access, but found the scientific knowledge on this subject wholly vague and unsatisfactory; that nevertheless, he continued the investigation, and gathering all the information he could, was led, step by step, after many examinations and experiments, to the belief that sulphuric ether, properly administered, might produce partial if not total insensibility; that desirous to verify his belief, by actual experiment on the human system, and finding the idea prevalent among the scientific, that any application which would be productive of such effects would be injurious to health, if not fatal to life, he made the experiment upon himself, and after an unconsciousness of several minutes, awoke with no injury to health; that thus confirmed in his views, he proceeded, against much opposition and amidst many obstacles, until at last, in the presence of the most eminent surgeons and physicians of a public institution, and on a public occasion, he was enabled to manifest the truth of his conception and exhibited a patient submitting to an amputation of a leg, without the slightest sentiment of pain, or the least injury to general health in consequence of the application which produced this insensibility.

Your petitioner would further state, that interested in the investigations which resulted in this discovery, he devoted himself exclusively to them, to the neglect of his ordinary and regular business, in consequence of which his practice became almost entirely lost to him; that his experiments and the various arrangements and preparations, which the calls upon him from all parts of the country, as well as from foreign countries, obliged him to make, and which a belief in the validity of his patent induced him to suppose would not be unrequited, were very expensive and involved him deeply in debt; that the patents which he obtained, though legally valid, were in fact wholly valueless in a pecuniary sense, and that he finds himself now, after all his outlays, exertions and endeavors, with his practice greatly abridged, his reputation injured by the efforts of those who opposed with great warmth the introduction of his discovery; his health impaired by mental anxiety and over exertion; himself reduced to poverty, embarrassment and pecuniary distress, and probably the only being living who has been a sufferer from a discovery which enables the world to rejoice in an exemption from many sufferings.

Your petitioner states only facts which are well and widely known. He therefore respectfully prays your honorable body that, considering the nature of the discovery; the benefit which it confers, and must continue to confer so long as nature lasts, upon humanity; the price at which your petitioner effected it, in the serious injury to his business; the detriment to his health; the entire absence of any remuneration from the privileges under his patent, and that it is of direct benefit to the government, by its use in the army and navy, you should grant him such relief as might seem to you sufficient to restore him at least to that position in which he

was before he made known to the world a discovery which enables man to undergo, without the sense of pain, the severest physical trials to which human nature is subject.

And your petitioner will ever pray, &c.

WM. T. G. MORTON.

The day on which the above memorial was presented to the committee, the chairman addressed the following letter to Dr. Charles T. Jackson, of Boston, knowing that a controversy had long existed between him and the memorialist in relation to the discovery claimed:

HOUSE OF REPRESENTATIVES,
January 20, 1849.

SIR: I write to inform you that a memorial of Wm. T. G. Morton was presented to the House of Representatives, and referred to a committee on the patenting of compound medicines, of which I am chairman. The memorialist claims the discovery and practical application of sulphuric ether in producing anæsthesia, and asks remuneration from Congress. I have long known of a controversy as to this discovery, and am aware that you claim this as yours. I shall with pleasure receive any communications on this subject.

Your obedient servant,

T. O. EDWARDS,
Chairman, &c.

DR. CHARLES T. JACKSON.

The following reply was received:

BOSTON, *January* 23, 1849.

DEAR SIR: I have the honor of acknowledging the receipt of your favor of 20th instant, in relation to the claims set up by Wm. T. G. Morton to the discovery of etherization, and most heartily thank you for this prompt and friendly intelligence, and shall very speedily send a remonstrance from the physicians and citizens generally of Boston. You will very much oblige me by waiting a few days before bringing up the subject, for we are taken by surprise in this matter, the movements of Morton and his friends having been concealed and unknown to us. The moment I heard that Morton had gone to Washington with some scheme of gaining notice from government, I wrote you a letter, having learned that you were interested in the protection of our profession from quackery, and that as a physician you would be likely to interest yourself in this subject. I was very glad to learn by your letter that you were chairman of the committee before whom the question of the discovery of etherization would come. I am satisfied that ample proof will be laid before you, showing that Morton was in no sense the discoverer of etherization.

I will visit you in person before long, and then shall be able to explain everything that may not be perfectly clear.

Were it not that my urgent duties as United States geologist required all my time, I should rejoice in being able to lay my case before Congress, knowing that there is much more facility in arriving at the truth, when both sides are examined, where there is not so much local feeling as exists in the vicinity of our hospital.

I shall deem it necessary, for the cause of truth, science, and for the credit of our profession, to lay my case fairly before you; and you shall soon have all the documents we can furnish. I now send you Dr. Gay's statement, which please accept.

With the highest regard, I have the honor to be, your obedient servant,

CHARLES T. JACKSON,
31 *Somerset st., Boston.*

Hon. THOMAS O. EDWARDS.

Professor Silliman, Professor Hare, Professor Gibson, and all our men of science who have examined the evidence, decide in my favor.

C. T. J.

The following remonstrance was presented to the House and referred to the committee:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned begs leave to represent that, whereas a memorial has been presented to the Congress of the United States by William Thomas Green Morton, of the city of Boston, in the State of Massachusetts, representing that in the year of our Lord one thousand eight hundred and forty-six, he, the said Morton, made, in the city of Boston aforesaid, a discovery by which the human body is rendered insensible to pain during surgical operations, and during other serious and violent affections, by means of the vapor of sulphuric ether inhaled into the lungs—praying, also, for a national remuneration or reward for making the said discovery, and for its practical application: and whereas the said discovery was made by the undersigned, without the knowledge of the said Morton, and without the co-operation or assistance of any person whomsoever, and was communicated by the undersigned to various persons, from the spring and autumn of eighteen hundred and forty-two to the thirtieth day of September, eighteen hundred and forty-six inclusive, and on the said thirtieth day of September was also communicated by the undersigned to the said Morton, he, the said Morton, being, previous to the said communication of the discovery to him, wholly ignorant of the anæsthetic properties and effects of sulphuric ether aforesaid: and whereas the undersigned did also, on the thirtiety day of September, eighteen hundred and forty-six, devise and commit to the said Morton the performance of an experiment for the verification of the said discovery, so far as the extracting of teeth is concerned: and whereas the said Morton,

acting in strict conformity with the instructions, and upon the exclusive and expressly-assumed responsibility of the undersigned, did, to the extent of a painless extraction of a tooth, successfully verify the said discovery: and whereas the undersigned did, shortly afterwards, cause the discovery to be further verified by the surgeons of the Massachusetts General Hospital, in the first painless capital operation ever performed under the influence of the ether vapor: and whereas the signature of the undersigned to certain letters patent, taken out in the joint names of the undersigned and of the said Morton, declaring the discovery to be their joint invention, was obtained through the representation of Robert H. Eddy, esq., of said Boston, the solicitor by whom the said letters patent were procured, and co-partner with the said Morton in the profits thereof, that the undersigned "might loose all his credit as a discoverer," if he did not consent to become a party to the said letters patent: and whereas the undersigned, after being instructed by eminent legal counsel, that the said Morton had not rendered himself in any sense a joint discoverer, by reason of the painless extraction of a tooth as aforesaid, and that he had not thereby acquired any right, either to an exclusive patent or to participation with the undersigned in any patent upon the said discovery, did publicly repudiate all connexion with the said letters patent, and did refuse any part of the proceeds arising from the sale of licenses under the same, and did, as he originally intended, give the discovery freely to the world, to the full extent of his interest; evidence of all which is herewith submitted. The undersigned does, therefore, earnestly remonstrate against the memorial of the said Morton, and prays that his petition may not be granted, and that there may not be, on the part of the Congress of the United States, any recognition whatever of his claims to the said discovery.

CHARLES T. JACKSON.

WASHINGTON, D. C., *January* 29, 1849.

Dr. Jackson and Dr. Morton each appeared before the committee on several occasions, and Mr. J. L. Lord, attorney for Dr. Jackson, presented the testimony in his favor. Various pamphlets and numerous letters, together with numerous conflicting and irrelevant affidavits, were referred to us; and, after an examination of more than a month, and a patient and careful weighing of all the facts as presented, we report that:

On the 12th day of November, 1846, a patent was issued by the Department of State to Dr. Wm. T. G. Morton, for a new and useful improvement in surgical operations, which consists in rendering the patient insensible to pain, by the inhalation of the vapor of sulphuric ether.

The interest of Dr. Jackson in the patent was previously assigned to Dr. Morton, who now brings it before Congress, with his memorial and offers to surrender it. He asks from Congress some consideration for the valuable boon which he claims to have

conferred upon his country and the world, and remuneration for his own personal sacrifices in making the discovery. And he avers that he himself is the sole discoverer, aided only by the current knowledge of the day, which he derived from books, and from conversation with Dr. Jackson and other scientific men. Doctor Jackson, on his part, denies that Dr. Morton is the author of the discovery; but claims the whole merit as his own, and avers that in the experiments made and operations performed by Dr. Morton, testing the truth and value of the discovery, and bringing it before the world, Dr. Morton acted as agent and that all was done by his special directions, and on his personal and professional responsibility. The contending parties have presented to the public their respective statements and have adduced much evidence in their support; all of which your committee have felt it their duty carefully to examine and consider.

The specifications which accompany the patent show what the contending parties admit to have been known on the subject prior to alleged discovery, and also what they claim as exclusively their own contribution to the existing mass of human knowledge. It is sufficient to refer to the following clause in the specification: "It has been known that the vapors of some, if not of all these chemical distillations, particularly those of sulphuric ether, when breathed or introduced into the lungs of an animal, have produced a peculiar effect upon its nervous system, one which has been supposed to be analagous to what is usually termed intoxication. It has never (to our knowledge) been known until our discovery, that the inhalation of such vapors (particularly those of sulphuric ether) would produce insensibility to pain, or such a state of quiet of nervous action, as to render a person or animal incapable, to a great extent, if not entirely, of experiencing pain, while under the action of the knife or other instrument of operation of a surgeon, calculated to produce pain. This is our discovery."

In addition to this, the vapor of ether for the last half century has been known as a nepenthe both in Europe and America, and has been inhaled, for the relief of inflammations, spasms, and the effect produced by the inhalation of chlorine gas. Sir Humphrey Davy long ago suggested that the inhalation of a gas (the nitrous oxyde) might be used to prevent pain in surgical operations; and the inhalation of it was publicly tried in a dental operation, but without success, by Dr. Horace Wells, in Boston, in 1844, in the presence of many persons, and Dr. Morton aided in the experiment.

In July, 1847, after the right to the discovery had become a matter of contest, Dr. Morton drew up a narrative in the form of a memorial to the Academy of Sciences at Paris, which was, in the autumn of the same year, presented by M. Arago, in which he gives a detailed statement of what he claims as his discovery and the steps by which he arrived at its consummation. In this he states that in the summer of 1844, he was a student of Dr. Jackson and a boarder in his family. He details a conversation in which Dr. Jackson explained the well known effects of sulphuric either on

the nervous system, when taken by inhalation, and adds, that Dr. Jackson in the same conversation, said that he had sometimes used ether as a local application, to relieve pain in the teeth and recommended it to him for that purpose, and afterwards sent him a vial of highly rectified chloric ether, which he subsequently used.

This conversation with Dr. Jackson, the effect produced by the use of ether, directly applied to the teeth, in deadening pain, the experiment of Dr. Horace Wells, in the following winter, with nitrous oxide in which he assisted, and his subsequent reading which now took a decided turn, directed his mind to the subject, and led to further experiments. He gives the necessities of the profession as the cause which urged him on in the path of discovery. He details several attempts in the summer of 1846, none of which were entirely successful, to produce insensibility to pain by the inhalation of ether, and various efforts to provide some apparatus from which it might be conveniently inhaled. At last, on the 30th of September, he again called on Dr. Jackson for the purpose of obtaining further information as to the preparation and use of the ether, and at the same time studious to conceal the object which he had in view, lest Dr. Jackson should turn his thoughts in the same direction, and anticipate him in the discovery. He states a conversation with Dr. Jackson on that day, opened on his part in a manner most likely to cover his real purpose, and at the same time elicit the information desired. He says his declared purpose was to get a refractory patient in his power, so that he could operate, and that he said nothing about performing the operation without pain. He first proposed to act on the imagination of the patient, merely by administering atmospheric air from a gas bag. This Dr. Jackson condemned; spoke of Dr. Wells and his nitrous oxide with derision, on which Dr. Morton asked him why he could not use the sulphuric ether. This Dr. Jackson at once approved; spoke of the stupifying effects of the sulphuric ether, and of the students taking it at Cambridge, and said that the patient would be dull and stupified, so that the operator could do what he pleased with him and he would not be able to help himself; and, after some conversation about the preparation of ether, and directions as to the shop at which the best could be had, Dr. Jackson gave him a flask with a glass tube with which to administer it, and they parted. Dr. Morton states that he procured the ether, went to his office, locked himself up, and tried its effect on himself; and afterwards on the same day extracted a tooth without *pain*, or even *consciousness*, from a patient, whom he had put under its influence. And that, in order to bring out the discovery, he applied to surgeons of the hospital to suffer it to be tried in some surgical operations, which they consented to do.

Dr. Jackson denies the truth of this statement thus far in all its material parts. He denies that Dr. Morton, prior to their interview on the 30th of September, 1846, had any knowledge of sulphuric ether, or its effects on the nervous system. That he was, prior to that time, in pursuit of any discovery to prevent pain in dental operations, or that he had made any experiments whatever

tending to that object; and he avers that the operation of the 30th September was performed by Dr. Morton as his *agent*, by his direction, and on his sole responsibility. That, in other words, he was the actor and Dr. Morton his instrument, and that such also was the case in the application to the surgeons of the hospital, and the successful experiments there tried in sundry operations. On these questions much evidence is adduced, and on their determination rests the whole merit of the discovery.

To prove, amongst other matters, that Dr. Morton had no knowledge of sulphuric ether prior to September 30th, Dr. Jackson takes the testimony of two persons—George O. Barnes and John McIntire—who were his students in chemistry and present at the interview. Barnes details a conversation about the use of atmospheric air to operate upon the imagination of the patient, which Dr. Jackson condemned; says that nitrous oxide was named, but not sulphuric ether, when Dr. Jackson said, "Now, Morton, I can tell you something that will produce a real effect. Go to Burnett, the apothecary, and get some very strong sulphuric ether—the stronger the better; *spatter* it on your handkerchief; put it to pour patient's mouth; take care that it be well inhaled, and in a minute or two perfect insensibility will be produced." "Sulphuric ether," said Morton, "what is that? *Is it a gas?*"

It will be remarked that the witness here professes to speak with perfect accuracy, giving this part of the conversation in its order in the form of a dialogue; but if he be entirely correct, it involves a singular absurdity. Dr. Jackson directs that the ether shall be administered by *spattering* it on a handkerchief, on which Dr. Morton asks his, "Is it gas?" as if gas could be spattered on a handkerchief and then administered to a patient. It is possible, however, that the very language put in the mouths of the interlocutors was, in fact, used; but if so, Dr. Morton could not have asked the question, "*Is it gas?*" in *ignorance*, for the fact that it was a liquid was explained to him in the very directions of its use; but it must have been to disguise his knowledge, and with it his purpose.

The statement of James McIntyre, the other witness, is less positive and more consistent with probability. After stating the conversation about the atmospheric air and the nitrous oxide, he says:

"As Morton was going away, Dr. Jackson told him that he could tell him something that would make the patient insensible, and then he could do what he had a mind to with him; Morton asked what it was; Dr. Jackson then told him to go to Burnett's, and get some pure sulphuric ether, and *pour* it on a handkerchief, and let her inhale it. Morton asked what sulphuric ether was? what kind of looking stuff it was? I stayed in the front room while Morton and Dr. Jackson went to look at the ether. From Morton's questions about the ether, I am satisfied he knew nothing about its properties or nature."

There is no inherent difficulty in this statement, and that Mr. Barnes is incorrect is rendered the more probable from another consideration. If, after Dr. Jackson had directed Morton to go to

a drug-store and get sulphuric ether, and administer it by *sprinkling* or *pouring* it on a handkerchief, Morton had asked if it was *gas*, how could the absurdity have escaped the observation of the students in chemistry? Would the two young men have failed to make it a subject of ridicule, in conversation with each other, so that it would have been impressed on the memory of both? But the witnesses concur in this, that at the time of that conversation, Dr. Morton had, or pretended to have, no knowledge of sulphuric ether, or its effects upon the nervous system.

This does not militate against the general effect of the statement of Dr. Morton. He went, as he says, to Dr. Jackson to obtain from him certain information, but at the same time anxious to conceal from him the object of his pursuit, being fearful lest Dr. Jackson might anticipate him in bringing the discovery to perfection. We deal with this matter as a question of fact, not of words, and do not decide whether Dr. Morton might consistently, with the obligations which trust imposes, use artificial means to conceal a mental conception which he did not wish to divulge. We believe, however, where a person has a right to his secret, and is under no obligations to disclose it, a direct denial of that which was fact for the purpose of such concealment has not been visited with strong moral censure. We would instance the case of Walter Scott at the table of George IV., when toasted by his majesty as the author of Waverly, declared that he was *not* the author. But as to the fact of Mr. Morton's knowledge:—

The statement of Theodore Metcalf, a gentleman of undisputed veracity, shows that as early as July 6th, 1846, Dr. Morton talked and thought of sulphuric ether; had been informed of what was then currently known in the scientific world as to its effects on the nervous system; that nitrous oxide was spoken of by him, and the unsuccessful experiment made by Dr. Wells. Dr. Morton had in his possession at this time a vial of sulphuric ether, which Mr. Metcalf smelled and examined; so that after July 6th, 1846, Dr. Morton could not but have known, until he forgot his knowledge, "what kind of stuff" sulphuric ether was, and, generally, something of its application and effects. There is much evidence corroborating that of Mr. Metcalf on this point, which will be considered hereafter. Suffice it to say, that we think Dr. Morton's knowledge to this extent well established, and we think it equally clear that, in his conversation with Dr. Jackson in the presence of his students, he used artifice to conceal his knowledge. But did Dr. Morton, prior to the 30th September, 1846, engage in the attempted discovery of some agent to prevent pain in dental operations? And did it occur to him to try the vapor of sulphuric ether as such agent? This is also affirmed on the one side, and denied on the other.

The testimony of Francis Whitman goes to this point. He says: "One day, I think it was previously to July, 1846, Dr. Morton, in speaking of improvements he had made in his profession, and of some one improvement in particular, said if he could only extract them without pain 'he would make a stir.' I replied I hardly thought it could be done. He said he believed it could, and that

he would find out something yet to accomplish his purpose." "Some time in July last he spoke of having his patients come in at one door, having all their teeth extracted, and without knowing it, and then going into the next room, and having a full set put in." He adds, "that Dr. Morton came into the office one day in great glee, exclaiming that he had found it, and that he could extract teeth without pain."

There is nothing in the case to cast a shade over the testimony of this witness. His statement involves no contradiction or improbability; he speaks of matters which would be likely to make a distinct impression at the time; therefore your committee could not refuse him credence, even if he were uncorroborated, but this is by no means the case. Dr. Granville G. Hayden testifies that Dr. Morton applied to him about the last of June, 1846, and desired to make some arrangement that would relieve him from the cares of his office, as he had an idea in his head connected with dentistry, which he thought would be one of the greatest things ever known, and that he wished to give all his time to its development. He at first declined to state its nature, but at length told Dr. Hayden it was something he had discovered which would enable him to extract teeth without pain; said that he had already tried its effects upon a dog, and described its operation. He said it was not nitrous oxide, and requested Dr. Hayden to say nothing about the matter. This contract with Dr. Hayden was reduced to writing on the 30th of June, 1846, as appears by the statement of Richard H. Dana, junior, the counsel who drew the instrument; and at the time he was preparing it Dr. Morton told him that he was in progress of a discovery which, if successful, would revolutionise the practice of dentistry.

In the month of August he told Dr. Hayden that his agent was sulphuric ether, taken by inhalation; said he had inhaled it himself and tried to get three young men in his office to inhale it. He afterwards spoke of ill success and discouragement in the use of ether, and Dr. Hayden suggested that he should consult a chemist on the subject.

William P. Leavitt, and Thomas R. Spear, junior, who were students in the office, testify to the purchase of sulphuric ether, for Dr. Morton, in July and August; that he prevailed on them to inhale the ether, and that he offered them a reward if they would find some one who would consent to have a tooth extracted under its influence; and that, after Dr. Hayden came, Dr. Morton seemed wholly absorbed with his experiments; that he had bottles and India rubber bags in a small room in his office, in which room he frequently locked himself up.

Joseph M. Weightman, a gentleman of very high character, states,* that in the summer of 1846, Dr. Morton applied to him for information upon increasing the security of artificial teeth by atmospheric pressure; a short time after he stated he had abandoned

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* Mr. Weightman has recently made affidavit of these facts.

his views which he found were erroneous; and was then engaged in something of much greater importance in his profession. "He then wished me to show him bags of India rubber cloth made for retaining gas, and inquired whether it would do to put sulphuric ether in them." It is very clearly shown that these interviews occurred prior to the conversation with Dr. Jackson, on the 30th of September, 1846; nor is the mass of evidence above referred to weakened in its force, so far as it bears on the points now under consideration, by the opposing testimony. This consists of statements alleged to have been made by Dr. Morton, attributing the discovery to Dr. Jackson; statements that he had never inhaled the ether, and statements on the part of Spear and Leavitt, that they inhaled the ether for the first time, after the 30th of September, 1846. Generally this is a species of evidence little to be relied upon, less in a heated controversy like this in which the community participate, than in ordinary cases; but we will refer to this more especially by and by, when we come to consider the several depositions. But in no wise can evidence like this weigh against a chain of facts and circumstances proved, as in this case, by the testimony of many disconnected witnesses. There are no contemporaneous facts or declarations stated by the rebutting witnesses on this branch of the case except by Don P. Wilson, who says he was *in and out* of Morton's office quite frequently during the summer and the month of September, 1846, never saw sulphuric ether there; never heard Morton speak of it, that he can remember; never perceived its odor about the clothes of Morton or otherwise, and thinks it could not have been used in the office without his having perceived its odor. He says, that during the summer of 1846, he often heard Morton speak of a new discovery which he was about to publish to the world, and which, to use his own words, "would revolutionize the whole practice of dentistry, and secure to him a fortune;" but he never hesitated to tell me and others, that "it consisted in a new preparation for filling teeth and a new mode of making teeth, and setting them to plate." This was Morton's great hobby during the summer of 1846 and during the month of September, the same year.

And John E. Hunt, whose statement on those subjects is the same with that of Wilson, except that he says he was "connected with the office in the summer of 1846"—how connected he does not say, but that he "entered the office early in the month of November of that year"—and was assistant dentist. Now it is sufficiently apparent that the discovery of which Dr. Morton did not hesitate to tell publicly to these young men "and others," could not be the one which he was at the same time carefully concealing; and for the rest, the whole amount of this evidence is, that these persons, who occasionally visited the office of Dr. Morton in the summer of 1846, did not discover what he took especial pains to conceal. The affidavit of William A. Brewer, that the house to which he belonged sold nothing but the best sulphuric ether, is no doubt true, according to the opinion of the witness; but it is hardly possible for him to know that none of an inferior quality left the shop—

even if the best only were purchased or prepared, as it is an article greatly subject to deterioration by time, especially if the vessel containing it be often uncorked or remain open for a length of time, in which case the pure volatile ether flies off in vapor, and the dregs remain. Hence the chemical analysis had of the ether remaining in the demijohn does, in our judgment, fall far short of proving its true quality when purchased at the druggist's.

But, on the whole, the evidence thus far leaves no doubt on the minds of your committee that, prior to his interview with Dr. Jackson, on the 30th of September, 1846, Dr. Morton was possessed of the idea that the inhalation of sulphuric ether would render a patient insensible to pain during a dental operation; that his time and attention were for several months previously devoted to the bringing about this result; and that he called on Dr. Jackson that day to obtain information by which he could obviate certain difficulties which he encountered in his experiments, and that he disguised his knowledge and purpose from Dr. Jackson, lest he should penetrate his secret and anticipate his discovery. And as to that interview, of the two witnesses present, one, James McIntire, gives an account of the conversation, agreeing in all matters of substance with the account of Dr. Morton, except only that, according to him, Dr. Jackson, and not Dr. Morton, first spoke of the use of ether.

George O. Barnes said that Dr. Jackson, after directing Dr. Morton how to give the ether, said "that the patient, after breathing a dozen breaths, would fall back insensible, and you can do with them as you please *without their knowing anything about it or feeling any pain*; so that you can take out their teeth at your leisure." This suggestion as to *insensibility to pain* had become, as was no doubt supposed, the very point in issue. It was a most striking remark, and if in truth it was made, was most likely to impress both the young men present; both state the conversation in its immediate context, so that the statement of this impression by one and its omission by the other, amounts to a discrepancy which greatly weakens the force of the affirmative statements. We have already shown a still more striking discrepancy between these witnesses in the question attributed by Barnes to Morton—"is it a gas?"—after Mr. Morton had been told to get it an apothecary's and *spatter* it on a handkerchief; and we are well satisfied in this particular as in that, it is more safe to rely on the evidence of McIntire.

The evidence, then, amounts to this: Dr. Morton came into Dr. Jackson's office, having in his hand a gas bag, with which he proposed to operate on the imagination of a refractory patient by administering to her atmospheric air. Dr. Jackson ridiculed the idea. Nitrous oxide was spoken of; Dr. Jackson objected to that, saying to Morton that if he attempted to make it, it would become nitric oxide. He then suggested sulphuric ether, and said it would make the patient insensible, and Morton could do what he pleased with her. This conversation, it will be noted, all took place about a refractory patient; the object considered was the mode of bringing a nervous patient to a condition in which she could be opera-

ted upon, not in which she would feel no pain from the operation —Mr. McIntire says not one word about pain or its absence in the operation—but that the operator could do what he pleased with the patient under the influence of sulphuric ether. If this conclusion be correct, the information given by Dr. Jackson to Dr. Morton was no more than the current knowledge of the age—no more than he would have been told by any scientific man, or thán he would have read in books which treat of chemistry and medicine; and if it differed in anything from the general opinion of scientific men, it was in a stronger than ordinary assurance that the vapor was not injurious to health. At the same time, it is very clear to your committee that Dr. Morton relied more implicitly on information which he obtained from Dr. Jackson than from any other source; and that the information was given with the unhesitating confidence arising from a consciousness of high scientific attainments.

This view of the subject awards to Dr. Jackson the merit of greatly aiding by his advice and instructions in the discovery. He did not himself produce the result, which was new; or by his information carry knowledge in that direction, beyond the point it had already reached. He was a safe and reliable guide to its then utmost limit in that direction—the Calpe and Abyla of scientific research—but left the sea beyond to be explored by others. Nor is the result changed as to the merit of the discovery, if we take the testimony of Barnes instead of McIntyre, as to what occurred at this conversation. On that hypothesis Dr. Jackson suggested to Dr. Morton, that his patient, under the influence of the vapor of sulph. ether, would be insensible to pain during his dental operations; but this was no new idea to Dr. Morton. He had thought and spoken of it long before. He had for months given himself up to its consideration, and he had talked of it to a host of witnesses referred to above. Some directly, some in ambiguous phrase; but so, as now, when the facts and their connexion and dependence are known, to leave no doubt of the object of his study and pursuit. Then, if on the 30th of September, 1846, Dr. Jackson told him that the vapor of sulph. ether would render his patients insensible to pain, he gave him no new information, for he was armed with no fact to show it. He gave a speculation of his own, an inference he had drawn from his scientific knowledge, but the idea was already in the mind of Dr. Morton; he had speculated on the same subject, and in the same direction. He had drawn the same inference from the same general knowledge, and he had tried an experiment on his own person, with a view of testing its correctness. It is the case of one man in the pursuit of a discovery, who has his mind fixed upon the object, and the mode of effecting it determined on, who consults with another who confirms and supports his previously entertained opinions.

Nor is it, in our opinion, at all material whether Dr. Jackson had or had not been long before impressed with the conviction that this great object could be effected by the same agent, and in the same manner in which it has been brought about. If he made the discovery he did not give it to the world. The case would have

been different, if he had communicated the idea to Dr. Morton prior to his researches in the summer of 1846. But this is no where claimed by Dr. Jackson or averred by any of his witnesses.

It is, however, contended by Dr. Jackson, that in the administration of ether to his patient on the 30th September, and in the subsequent exhibition of it in the hospital, Dr. Morton acted as his agent merely; that he was in fact the experimenter as well as the discoverer, and the merit of success or the responsibility of failure rested on him. This position your committee will now proceed to examine.

This claim is not supported by the evidence which has been thus far considered; indeed, it bears strongly against it, and your committee can find no contemporary matter touching this point, except a statement of George O. Barnes, not yet commented upon. The witness, after stating Dr. Jackson's efforts to overcome the scruples of Morton, says: "Indeed, Dr. Jackson urged the matter very earnestly and with perfect confidence, taking on himself the whole responsibility." Now, if this be a deduction, an inference from the conversation stated, it is of no value whatever, except to show a certain earnestness in the witness. If it be but a further declaration, it is unsupported by the testimony of McIntire; and, in a third important particular, differs from and goes beyond him. But the well attested conduct of the parties themselves, at the time of the transaction in which this agency is claimed to have been conferred and accepted, what is termed by lawyers the *res gestæ*, shows more clearly than everything else the true relation which they then bore to each other, and each of them to the subject matter in controversy.

Dr. Jackson claims that he had long had in his mind a conviction that the vapor of sulphuric ether could be inhaled without danger or injury to the patient, and that under its influence surgical operations could be performed without pain. All admit him to be a man of science, fully aware of the mighty value of such a discovery, and not at all indifferent to his own reputation in the scientific world. In this state of things we cannot conceive it possible that he could have remained inactive for years, waiting till chance should send him some one to bring out his great discovery, instead of proceeding himself by direct experiment. It is not at all disputed that Dr. Morton went to Dr. Jackson's shop that day uninvited; that *his* wants and not Dr. Jackson's wishes and purposes led to the conversation; that there was nothing of an especially confidential nature between them; and that what Dr. Jackson said to him, he said in the usual manner of public conversation, and not like a man who was engaging another to bring out a most important discovery to the world.

But take Dr. Morton to be just what Dr. Jackson and his two witnesses represent him to have been at the time of that conversation, was he the man whom Dr. Jackson would have trusted to represent him in a matter so deeply involving his character and his fame? Say it is Jackson's discovery, the experiment is his, *he* is responsible for the consequences. If it succeed, he has made

the noblest contribution to surgical science which the century has witnessed; if it fail, the consequences might be most disastrous. Whom does he select to carry out this, the most important conception of his life or of the age? Let his two witnesses answer.

According to them, a man profoundly ignorant of the powerful medicinal agent which he was directed to employ, one who did not know what kind of "stuff" sulphuric ether was, and who wished to see it in order thus to test its qualities, is selected by one of the first scientific men of the age to conduct a delicate and dangerous experiment with this same sulphuric ether, on the success of which even more than reputation depended. If Dr. Jackson had dwelt upon the subject, conceived the discovery in his own mind, considered it with a view of making it known to the world and useful to mankind, he knew that much depended on the first public exhibition; and he also knew that it required science, prudence, and skill, to render the experiment successful, and prevent its becoming disastrous. Sulphuric ether would produce insensibility to pain; *too little* of it would make the experiment ineffectual, and bring the operator and his nostrum into ridicule; *too much*, or the proper quantity, *unskilfully administered*, would produce asphyxia, probably death. Under these circumstances, how can your committee believe that Dr. Jackson would have trusted such a man as his witnesses represent Dr. Morton to be, with his first experiment upon his great discovery? Would it not have been inexcusable in him to have done so? would it not have shown a recklessness of his own fame and the lives of his fellow men?

Such a conclusion, your committee are satisfied, cannot be imputed to him with justice. Had Dr. Jackson made the discovery and felt that it was his, could he have failed to be at once aware of its vast importance, and the world-wide reputation it would give him, would he have trusted it for a moment in the hands of a man less skillful and scientific than himself; indeed, would he have entrusted it with any one? but would he not have himself seen that it was administered in a proper manner, and under proper conditions to make it safe and effectual? Would he not have stood by and watched the sinking pulse of his first subject, until insensibility was complete, and have been careful to withdraw it when he saw it was likely to endanger life, and thus done all that science and skill could do to avoid a failure or a catastrophe? But there was nothing of this. Having given the information which he did give in the conversation with Dr. Morton, he turned neither to the right nor left, nor troubled himself further on the subject, until he was advised by Dr. Morton that the experiment had been successful. He expresses no surprise, no emotion; it is an incident of the day—an occurrence. According to the testimony of Barnes, he advises Dr. Morton to try it in some capital operation in the hospital; does not say he will try it himself, which he might or ought to have done, if Morton had been his agent. He does not propose to get permission for Dr. Morton so to try it; though he well knew the application by himself, or in his name, would ensure the permission. He advises Dr. Morton to get permission, and try

it in the hospital, and does not propose to be present, and in fact is not present when the trial is made, though the hospital was but five minutes' walk from his door. That operation was successfully performed, and another was noticed to take place the next day, about which Dr. Jackson gave himself no concern, and at which he was not present. The committee feel that his conduct during this time was wholly inconsistent with the fact that he recognised the discovery as his own, and that these were his experiments.

It is urged as a reason for his absence at the first operation in the hospital, that Dr. Morton did not inform him at what time it was to take place. As to this, there is no proof that he did or did not inform him; but surely, had Dr. Jackson felt the solicitude which the discoverer would naturally feel, he would have informed himself, and his daily associations naturally led him to the knowledge. On the other hand, after the successful operation of the 30th of September, and after Dr. Morton had seen his patient and ascertained that he had suffered no injury from the ether—elated with his success, he consulted Dr. Hayden as to the mode of bringing out the discovery, and suggested at once that he would introduce it into the hospital. A few days afterwards he told Dr. Hayden that Dr. Jackson would not countenance the discovery, and again said he would go to Dr. Warren and endeavor to have it introduced into the hospital. The fact that Dr. Jackson refused to give Dr. Morton a certificate that ether was harmless in its effects, or might be used with safety, is admitted by Dr. Jackson in his defence by the Messrs. Lord; but they say it proves nothing but Dr. Jackson's "unwillingness to figure in Dr. Morton's advertisements, *and his prudence in refusing to make himself responsible for anything and everything Morton, in his ignorance, might do, with an agent liable to the most dangerous abuse.*"

This, if it stood alone, might be satisfactory, but one of the witnesses, Geo. O. Barnes, says that, on the 30th of September, Dr. Jackson employed Dr. Morton to use this very agent. He assured him it would "*not do the least injury.*" He "urged the matter very earnestly, *expressly taking on himself* all the responsibility;" and it was on the 1st of October, the morning after the *successful* experiment, that Dr. Jackson refused to give a certificate "that ether was harmless in its effects," and yet, on this same day, the witness Barnes says, on being advised by Dr. Morton of the success of the operation, Dr. Jackson said to him: "You must go to Dr. Warren and get his permission to administer it in the Massachusetts general hospital, and, if possible, it should be on a capital operation." And he goes on to say that Morton strongly objected at first to going to the hospital; that every body would smell the ether, and it would not be kept secret; but that, after learning something to disguise the odor, he agreed to apply to the hospital.

We have already adverted to the fact that Dr. Morton, the very evening after the successful operation, suggested to Dr. Hayden that he would go to the hospital and get permission to try the ether there; that he went next morning to Dr. Jackson, and returned,

saying Dr. Jackson would not give his countenance to the discovery, and it is admitted that Dr. Jackson refused him the certificate he wished for, and one of the reasons given is that he did not think him fit to be trusted. Is it then probable that he urged him to go to the hospital and there bring out his (Dr. Jackson's) great discovery? But James McIntire was also present on the 1st of October, when Dr. Morton returned and advised Dr. Jackson of the entire success of the experiment, and he says not a word of Dr. Jackson's proposing to Dr. Morton to try an experiment in the hospital. Your committee has already remarked in several other points of difference in the testimony of these two witnesses, and in each case as in this, they felt themselves constrained by the testimony of other witnesses and by the inherent character of the evidence to rely on the accuracy of McIntire rather than of Mr. Barnes, where these discrepancies occur.

Another difficulty in sustaining the position assumed by Dr. Jackson forcibly impresses itself upon your committee. According to this, on the 30th of September, Dr. Jackson entrusted Dr. Morton with his discovery, and not only suffered him, but "earnestly urged" him to use it, assuring him it was perfectly safe; Dr. Morton tried it on the same evening; his success was complete; he brought to Dr. Jackson the next morning conclusive evidence of all this, and Dr. Jackson refused him a certificate because he would not "make himself responsible for anything and everything Morton in his ignorance might do wih an agent liable to the most dangerous abuse." While nothing is shown to shake Dr. Jackson's confidence in Dr. Morton since the previous day, or at all to change his opinion of him except the triumphant success of the operation which he reported and proved. On the 16th of October, the first operation was performed in the hospital, at which, as we have already shown, Dr. Jackson did not attend, and at which his name was not known. The second operation at the hospital took place on the 17th, Dr. Jackson taking no part in it by his presence or his counsel. Both operations were entirely successful, and both conducted on the part of Dr. Morton to the entire satisfaction of the surgeons of the hospital. But at this time Dr. Jackson's confidence in Dr. Morton, if he ever did confide in him, is wholly gone. He denies in the conversation with his neighbor and friend, Caleb Eddy, that under the influence of ether the flesh of a patient can be cut without pain; says Morton "is a reckless man for using it as he has; the chance is he will kill somebody yet;" and in the interval between the 30th of September and about the 23d of October, he declared that he did not care what Morton did with it, or how much Morton advertised, if his own name was not drawn in with it.

It would seem that as Dr. Morton acquired eclat by his constant success, as he continually and rapidly rose in the estimation of other scientific men, he as continually and as rapidly sunk in the estimation of Dr. Jackson. The evidence of Francis Whitman and Mr. Caleb Eddy show that, prior and up to the 23d October, Dr. Jackson spoke doubtingly of the effect of ether, and condemned

its use; and there is no proof whatever that, within that time, he lent the slightest countenance to Dr. Morton to sustain the discovery, and all his remarks, except those stated by Dr. T. E. Hitchcock to have been made to him on the 2d and 3d of October, tend to create distrust and destroy confidence both in the operator and the agent used. His favorable mention of it to Dr. Keep occurred *after* the 26th of October, the actual date not fixed, and was accompanied with a strong general charge of ignorance and recklessness against Morton, who was then in the full tide of successful experiment. This state of facts is, in the opinion of your committee, wholly inconsistent with the assumption that Dr. Jackson was the discoverer; that he had employed Dr. Morton to bring out the discovery, and that the experiments of Morton were tried on the responsibility of Dr. Jackson.

On the 30th of September, the first successful operation took place. On the 1st of Otober, Dr. Morton applied to R. H. Eddy, agent for patents, to aid him in procuring a patent for the discovery. Mr. Eddy took the case into consideration, and did not see Dr. Morton again until the 21st. In the meantime Dr. Morton's experiments had been attended with the most flattering success. Two operations had been performed in the hospital to the entire satisfaction of the faculty, and the discovery had acquired a footing in the medical world; and prior to the 21st, but the precise day is not stated, Dr. Jackson had a conversation with Mr. Eddy, was informed of the application of Dr. Morton for a patent, and claimed that he had some connexion with Dr. Morton in making the discovery. He called on Dr. Morton on the 23d, and it was then arranged that Dr. Jackson was to have $500 for the information he had given Dr. Morton, if ten per cent. on the proceeds of the patent would produce that amount.

This arrangement between the parties, settled by and between themselves in a private conference, proved by their subsequent conversation with Mr. Eddy, and not now denied, shows conclusively the view that each had of his respective participation in the discovery. It was between them both distinctly a business transaction—an affair of dollars and cents, and as clearly Dr. Jackson called and introduced the conversation—not to assert his rights to to the discovery—not to inquire as to its success, for of this public report had advised him, not to give any advice or caution as to its further use, but to claim a compensation in money for the advice and information he had given to Morton on the 30th of September; and $500, if ten per cent. on the proceeds of the patent would produce it, was agreed upon as the sum to be paid for that information. This conversation and agreement is entirely consistent with the view we have thus far taken of the case, but it is wholly inexplicable on the ground assumed by Dr. Jackson. But the representations and advice of Mr. Eddy, the common friend of the parties modified their arrangement. He represented to Dr. Morton, that Dr. Jackson, from having given him the information and advice spoken of on the 30th of September, was entitled to participate in the patent as a joint discoverer. That if he were not

joined in the patent, the fact of his giving that information would be used to impeach the patent, and that if Dr. Jackson were joined as a patentee, his name and his advice aud assistance would be useful in bringing out the discovery and giving it celebritv; with these arguments, Dr. Morton was satisfied, and consented that Dr. Jackson should be named as a joint discoverer in the patent. Mr. Eddy also advised with Dr. Jackson, who informed him that, "by the laws of the Masssachusetts Medical Society, he would be prevented from joining with Dr. Morton, in taking out a patent, as he would be expelled from the association, if he did so. He further stated that he intended to make a professional charge of $500 for the advice he had given him, and that Dr. Morton had acceded to this; that he did not wish his name coupled with Dr. Morton in any manner; that Dr. Morton might take out a patent if he desired to do so, and do what he pleased with it." At a subsequent interview prior to the 27th of October, Mr. Eddy urged Dr. Jackson to waive his objections to associating with Dr. Morton, as "I was confident that he was mistaken in his views, as to what would be the action of the medical association, that Dr. Morton could not properly take out a patent without him, and that by joining in the patent, he would of a certainty be obtaining credit as a discoverer, whereas, should he not do so, he might lose all credit, as in the case of the Magnetic Telegraph, which I understood from Dr. Jackson he had suggested to Professor Morse." The objection, as to the medical society, was removed on consultation with Dr. Gould. Dr. Jackson consented to join in the patent, and it was agreed that he should have ten per cent. of the proceeds for his interest in it.

Your committee do not feel that on this question of fact the parties ought to be bound by the legal conclusions of their common friend, Mr. Eddy, or by the papers which they executed in pursuance of his legal advice. But they do consider the communications made by them at the time to Mr. Eddy; the mutual agreement of the parties between themselves, as touching the discovery and the facts admitted by them on the consultation, as matter of the utmost importance and significance. A voluntary agreement took place between the parties on that day, of which both must have understood the full force and effect, and to which neither seems to have been, or probably could have been impelled by advice or counsel. It was that the whole right to use the discovery under the patent should be and was assigned to Dr. Morton, he paying to Dr. Jackson ten per cent. on all sales for licences.

Your committee cannot here fail to remember the unqualified terms of contempt and reprobation, in which Dr. Jackson had during the preceding part of that month, down almost to the very date of this arrangement, spoken of Dr. Morton and his alledged ignorance and recklessness in the use of this agent. They cannot conceive it possible, that if he felt himself to be the true discoverer, that he would by solemn contract relinquish all power over his discovery, and place it solely in the hands of a man of whom he thought so illy. Dr. Jackson indignantly repels the idea that it was

done for the purpose of gain; and we think it could not be the case, as the pittance reserved to him, if he conceived himself the discoverer, was despicably small. And how could he hope to acquire *fame*, by abandoning the most important discovery of the age; one which, if it were his, and if under the auspices of his reputation, with his skill and science it were presented to the world, could not fail to place him on the highest scientific and professional eminence. How could he hope to acquire fame, by thus surrendering all control over this discovery, and placing it in the hands of such a man as he had represented, and still represents Dr. Morton to be?

A careful examination of the above detailed acts and conversations of the parties, down to the 27th of October, about which it would seem to your committee there could be no doubt, renders it clear almost to a demonstration, that neither Dr. Jackson nor Dr. Morton, nor any of those who had witnessed or aided in the operations, supposed that Dr. Jackson was entitled to the merit of this discovery, or any other merit than that of having communicated important information to Dr. Morton; and if we trace the conduct of the parties further, this opinion is but confirmed.

On the 7th of November a capital operation was performed by Dr. Hayward in the hospital, the patient being under the influence of sulphuric ether administered by Dr. Morton. Dr. Warren being informed by Dr. Jackson that he suggested the use of sulphuric ether to Dr. Morton, invited him to attend and administer the ether; he declined for two reasons: one was that he *was going out of town*—the other, that he could not do so consistently with his arrangements with Dr. Morton; so the first capital operation under the influence of ether was successfully performed, Dr. Jackson not yet thinking fit to attend. But in a communication published in the Boston Daily Advertiser, of March 1st, 1847, he says: "I was desirous of testing the ether in a capital operation, and Dr. Warren politely consented to have the trial made; and its results proved entirely satisfactory, an amputation having been performed under the influence of the etherial vapor without giving any pain to the patient." It strikes the mind with some surprise that Dr. Jackson should claim this operation as an experiment, made by him at his request, and to satisfy himself of the efficacy of the "etherial vapor" in a capital operation; when the only connexion which he had with the operation was to decline attending it when specially invited. Indeed, so entirely did he omit to inform himself on the subject of this experiment—which he declares to be his—that, in the above communication, he names Dr. Warren as the surgeon who performed the operation which was in fact performed by Dr. Hayward.

Another surgical operation was performed at the Broomfield House on the 21st of November, the ether again administered by Dr. Morton. Dr. Jackson was then present for the first time, on invitation, but merely as a spectator. On the 2d of January, 1847, an operation was performed in the hospital, when Dr. Jackson attended and brought with him a bag of oxygen gas, to relieve the the patient from asphyxia, in case it should supervene. Nothing

of the kind occurred, and the gas was not used. This is the first and only act of Dr. Jackson's made known to your committee which implied that he had any duty to perform in the administration of the ether, or that he rested under any responsibility as to its effects.

The testimony of Don P. Wilson and J. E. Hunt, who were assistants in Dr. Morton's shop for a few months, commencing in November, 1846, is adduced to impeach the evidence of Leavitt, Spear and Hayden, by *their* alleged declarations, and the title of Dr. Morton to the discovery, by his declarations. This is a species of testimony against which the books on evidence especially put us on our guard. It is a sweeping kind of evidence which covers everything; and if the imputed conversation be *private*, or if it be general, (as he often said, or always said,) it is often difficult to subject the evidence to the ordinary tests of surrounding circumstances and inherent probability, so as to fix its value. There is enough, however, in these depositions tos how that they are of but little weight. It is to be remembered, in the first place, that they are in direct contradiction to the testimony of Whitman, Spear, Leavitt and Hayden, and they contradict by strong implication the testimony of Mr. Metcalf and Mr. Weightman, the character of all and each of whom is most satisfactorily vouched. The testimony of these two witnesses cannot be true, unless the four first above named entered into a conspiracy to carry a point by perjury; but, as to them, we have examined their evidence—we have tested it by its agreement with surrounding circumstances, and we are satisfied of its truth.

This of itself would be enough to dispose of the testimony of Wilson and Hunt; but it is proper to look at the inherent character of their evidence.

Wilson, in the commencement of his deposition, *swears*, by way of recital, that Dr. Charles T. Jackson was the discoverer of the application of ether to produce insensibility to pain in surgical operations; and, among other things, he says, "*Morton first claimed the discovery to be his own*" in February, 1847. To say nothing of the looseness and total want of caution with which the fact of the discovery is stated—a fact of which Mr. Wilson certainly had no knowledge whatever—he testifies directly against the recorded fact in the second particular, for Dr. Morton did *claim* the discovery as early as September 30, 1846, and his claim was given to the world the next day in the public prints. *His* claim, and *his* alone, was known to the surgeons of the hospital during the month of October, and his public circulars and the numerous answers to them, which he has exhibited to the committee, show that during all that time, and at all times, he claimed the discovery publicly and to the world as his own. The witness goes on to say: "In the administration of the ether I was guided by and solely relied upon the advice and assurances of Dr. Jackson, received through Morton. *We never dared to follow Morton's own directions*"—and adds that, if they had, the consequences would probably have been fatal and etherization a failure. And further,

that he never knew Morton "*to apply it to a patient in the office.* This was from a most apparent fear and shunning of responsibility."

Now as to the advice and assurances of Dr. Jackson, alleged to have been received from time to time through Dr. Morton, we have no reason to suppose that any such repeated intercourse and communication took place during that time, and we have no evidence of the actual fact of any such meeting and instructions. On the contrary, there is evidence of unkind feelings existing on Dr. Jackson's part towards Dr. Morton; and in the opinion of your committee the testimony of Dr. Keep *indirectly* contradicts the testimony of Wilson on that point, and *directly* upon each of the other points last named. Dr. Keep's object and the tendency of his evidence is to depreciate Dr. Morton; but for faults the very reverse of those with which he is charged by Wilson, namely, a "*rash recklessness*," instead of "*a most manifest fear of responsibility*," in administering the ether; and he evidently is impressed with the belief, and designs to let it be known, that the success of etherization depended upon his skill and prudence. He says "*it was his* (*Morton's*) *practice during that time to administer the ether* without any adequate provision for the admission of atmospheric air; *and whenever operations were performed by other persons in the office* and under his supervision, he directed the application in the same way, in consequence of which many of the operations were unsuccessful, and great distress and suffering were induced. Dr. Keep then states that he made ample provision for the admission of atmospheric air, and advised the assistants to do the same thing; "but they being inflenced by his (Morton's) directions and known wishes, did not at all times follow my advice." Not a word is said by Dr. Keep of any advice or directions coming from Dr. Jackson, which, if it had actually occurred, must have been known to him, and would have formed an important item in the current incidents of the time. The evidence of these two witnesses stands thus. They were in the offiee of Dr. Morton, during the same "thirty days," Keep, the superior, Wilson, the assistant. Keep says Dr. Morton was in the habit of administering the ether in a particular manner, and that he was *rash* and *reckless*. Wilson says he never administered it at all, and that he was *timid* and shrank from responsibility. But the surgeons of the hospital agree with neither one nor the other, but show that he repeatedly administered it in the hospital *himself*, to to their entire satisfaction and with entire success. Wilson says the assistants in the office would not follow the directions of Dr. Morton, but relied upon such as were brought from Dr. Jackson. Keep says nothing about instructions from Dr. Jackson, but that the assistants in the office were influenced by the directions and known wishes of Dr. Morton, so that his salutary advice and remonstraes were often of no avail. Wilson says Dr. Morton explained to him, an assistant in his office, very fully all the particulars of the discovery and patent; but to Dr. Keep, his partner, he extended no such confidence. We leave these two depositions to be viewed in their strong contrast; and as to the testimony of Don P. Wil-

son, considering its inherent improbability, the suspicious nature of the species of testimony to which it belongs; the manner in which it is contradicted directly and indirectly by the evidence of Dr. Keep; and when we further consider that it is directly opposed to the evidence of Whitman, Spear, Leavitt and Dr. Hayden, and indirectly to that of Metcalf and Weightman; and that it is also in direct conflict with numerous public printed cards and notices of the day, we feel that we cannot give it the slightest weight or consideration.

The testimony of John E. Hunt is subject to the same objections with that of Don P. Wilson, and other objections which your committee will now proceed to notice. In order to bring out a declaration on the part of Spear, that he had never taken the ether, he represents him as taking it one evening, and in the excitement produced by it seizing upon a countryman present, and handling him roughly. The apology which Spear makes to the countryman is, "*this was the first time he had ever taken the ether;*" not that it was the first time ether so affected him, or that the rudeness was committed under the influence of ether, but that it was the first time he had ever taken ether—a fact which had little to do with the act of rudeness, and was a most irrelevant apology. But the enquiry thereupon made by Hunt is most remarkably inconsequent; he having heard Spear say that it was the first time he had ever taken ether, asks him if it "ever affected him in the same way before." Now, if he had been pressing Spear with a cross-examination, in order to entrap him in some important admission, the enquiry might, perhaps, have been made; but it was *then* a matter of no importance whatever whether Spear had breathed the vapor of ether or not, and it becomes in the highest degree improbable that both branches of the conversation, so inconsistent with each other, actually occurred; and as the statement contradicts the testimony of so many respectable witnesses, and is in itself improbable, your committee do not feel bound to give it credence. Again: in a walk with Spear, Hunt gets from him a full disclosure of the discovery, and a statement that it belonged to Dr. Jackson. According to this, Dr. Morton got the requisite information and instructions from Dr. Jackson; came home; *tried it on a woman, and it worked first-rate;* and he had since then continued to use it under the directions of Dr. Jackson. The evidence shows that Spear well knew that the *experiment* was not tried on a *woman*, but on a *man*, whose certificate was read next day by hundreds in the city of Boston. But the witness evidently took this part of his story from the narrative of Don P. Wilson (whose deposition was taken on the same day) about the refractory female patient named in the conversation with Dr. Jackson on the 30th of September, who was to be cheated with atmospheric air, administered from a gas bag.

From among the thousands with whom Dr. Morton communicated, touching this discovery, during the winter of 1846 and '47, some six or seven, with whom he had personal controversies, testify to his admissions that he was not the discoverer. They differ as to the degrees of directness and fullness with which he opened

the matter to them; but it will be found, as your committee believe, to be a rule in this case, having no exception, that the more violent the hostility of the individual; the more fiercely he assailed Dr. Morton's patent, the more free Morton became in his communication, and the more fully did he unbosom himself; and his statements always went directly to defeat his own claims, and support the defence of the opponent, to whom he made it. For example, H. S. Payne says "that, in the early part of December, 1846, he commenced applying the vapor of ether to produce insensibility to pain in surgical operations. This was after I had heard of the discovery of the preparation by Charles T. Jackson, of the city of Boston." He then states that Dr. Clarke purchased of Dr. Morton a right, under the patent, for Rensselaer and several adjoining counties, who sold to Dr. Bordell and Dr. Payne, was notified by Dr. Blake, as the agent of Dr. Morton, to abandon the use of ether in his practice. After failing in an attempt at negotiation with Dr. Bordell he went to Boston and had an interview with Dr. Morton, who not once only, but repeatedly, declared that Dr. Jackson was the *sole discoverer*; "that all the knowledge he possessed in relation to its properties and application came from Dr. Jackson, and that he never had any idea of applying sulphuric ether, or that sulphuric ether could be applied for the aforesaid purposes, until Dr. Jackson had suggested it to him, and had given him full instructions." This most frank communication raises at once a difficulty about the patent, which is obviously void if that statement be true; and Dr. Morton attempts to remove it by saying "that he had been very fortunate in effecting an arrangement with Dr. Jackson before any one else had the opportunity, and that he was the first man to whom Dr. Jackson communicated the discovery." And he adds: "Dr. Morton *again and again* said that he was not in any way the *discoverer of the new application of ether, but that the idea had been first communicated to him by Dr. Jackson, who was its discoverer, and that his* (*Dr. Morton's*) *interest in the patent was merely a purchased one; and, moreover, that he was very lucky in anticipating all other persons by first receiving so precious a discovery from the lips of Dr. Jackson*"

After seeing the fullness and unreserved character of this important conversation, and the apparent earnestness with which Dr. Morton attempts to impress the fact that he had no participation whatever in the discovery, not satisfied with suffering it to escape him inadvertently or even stating it once, but repeating it "again" and "again," as if he were anxious to impress it, one could not but be surprised to know that Dr. Payne, before this conversation, had *pirated* this discovery; had set up for himself; bade defiance to Dr. Morton and his assignees; and, on his return home, published a card, in which he by no means denies that Dr. Morton discovered the *thing* which he and his assignees are using, but averring that his (Dr. Payne's) *anodyne vapor*, which in his affidavit he admits to be sulphuric ether, "is not the invention of the great Dr. Morton, but an entirely superior article, and all persons must beware how they infringe on his rights." And the more es-

pecially is it surprising when we reflect that this state of facts, which Dr. Morton took such unusual pains to repeat and to impress upon this his most determined opponent, would, if true, render the patent wholly void in his hands, and put his discovery entirely in the power of Dr. Payne, and all others who should see fit to avail themselves of it. There can be no absolute proof that Dr. Morton did not make these statements; but it is clear that it was against his interest to make them; and there is also full proof that they are not true, and that they are in direct opposition to his numerous printed and published statements. They are not true; for, besides the six witnesses who testify directly or indirectly to the discovery in its inception and progress, it distinctly conflicts with the conversation of the parties, and their mutual understanding on the 26th and 27th of October, as testified to by R. H. Eddy. It is in direct conflict with the claim promulgated by Dr. Morton, and received and accredited by the scientific gentlemen in the medical hospital, who performed the operations testing the efficacy of the discovery.

Dr. Warren says:

"BOSTON, *January* 6, 1847.

"I hereby declare and certify, to the best of my knowledge and recollection, that I never heard of the use of sulphuric ether by inhalation, as a means of preventing the pains of surgical operations, until it was suggested by *Dr. W. T. G. Morton*, in the latter part of October, 1846."

And alike opposed to all the numerous printed circulars which Mr. Morton and his agents had distributed and were then distributing in every part of the United States. It appears that prior to this date, Dr. Morton's attention had been called to an opposing claim to the discovery, and to the experiments at the hospital, and he had taken a decided public stand against them, as witness his circular, published the 20th day of November, 1846, and the note thereto attached:

"DENTAL OPERATIONS WITHOUT PAIN.

"*Dr. Morton has made a great improvement in dental and surgical operations*, for which letters patent have been granted by the government of the United States, and to secure which measures have been taken in foreign nations.

"Having completed the necessary preparations for the purpose, and greatly enlarged his establishment, Dr. Morton respectfully announces to his friends and the public that he is now ready to afford every accommodation to persons requiring dental operations.

"His assistants and apartments are so numerous, and his entire arrangements on so superior a scale, that immediate and the best attention can be given to every case, and in every branch of his profession.

"The success of this improvement has exceeded the most sanguine expectations, not only of himself and patients, but of the very skilful and distinguished surgeons who have performed operations

with it at the Massachusetts general hospital and other places in Boston, or witnessed its use at his office. Rooms, No. 19 Tremont Row.

"BOSTON, *November* 20, 1846.

"*** Inasmuch as one or two persons have presumed to advertise my improvement *as their own*, and even issued notices to the effect that the applications of it at the hospital were made *by them*, and that the certificates of its efficacy and value were given *to them* by the SURGEONS OF THAT INSTITUTION, I feel it my duty to warn the public against such false and unwarrantable statements; and at the same time to caution all persons against making, aiding or abetting in any infringement of my rights, if they would avoid the trouble and cost of prosecutions and damages at law."

And your committee do not think it credible that Dr. Morton, resting his claims to the discovery on the grounds which he did—having a most decided public opinion at home in his favor as the discoverer—having freshly tasted of the intoxicating draught of fame—and recently, in the public papers and in circulars, asserted his authorship of the discovery and defied his rivals—they do not think it credible that he should seize the first occasion which offered, in conversation with a most determined opponent, to declare the falsehood of all that he had written, published and claimed—to disclaim the honor which the world so generally and freely accorded him—confess away all his pecuniary rights under the patent—and even support his surrender, disclaimer and sacrifice by a self-debasing assertion which he well knew was false. The improbability is too strong to allow it credit.

But Dr. Payne says, that in the early part of December, 1846, he commenced his operations with sulphuric ether, and that this was after he had heard of the discovery of Dr. Charles T. Jackson, of Boston. How he heard of the discovery of Dr. Jackson, he does not say; surely not by the information of the scientific men of Boston, for they attributed the discovery to Dr. Morton; not by the public prints, cards, and advertisement, for the name of Dr. Morton alone appeared there; and he says, in conclusion, that *he was very much astonished* in learning, some time after his visit to Boston, that Dr. Morton "asserted any claim whatever" to the discovery, and this, after the publication and circulation of the notices, cards, and circulars of Dr. Morton, and after the witness had long been engaged in an embittered contest with Morton and his assignees, and the publication of his (Dr. Payne's) card.*

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* "NOTICE.—Dr. Payne has just returned from Boston, and has only time now to give notice to his friends and the public, that in a day or two he will be able to show to the public, that the anodyne vapor which he has used is not the invention of the great Dr. Morton, but an entirely superior article, and *that he shall continue to use it.* And all persons must beware how they infringe on his rights." Extract from a letter of Mr. E. Filley, attorney of Dr. A. Clarke, of Lansingburg, New York, to Dr. Morton's attorney of Boston.—"As one Dr. H. J. Payne, dentist, of the city of Troy, persists in the use of the apparatus and gas, and proclaims defiance to Dr. Morton and any of his assigns, Dr. Clarke is completely thwarted in his enjoyment of the rights secured to him by Dr. Morton. The conduct of Dr. Payne is particularly annoying."

Dr. Allen Clarke, who also testifies to admissions by Dr. Morton, but much less strongly than Dr. Payne, and whose statement may well be the result of a misunderstanding, made the more decided by hostility to Dr. Morton, and a desire to defeat his patent, was the purchaser of a right, for which he gave his note for $3,350. He at length determined not to pay the note, but to join in contesting the patent, and he expresses the opinion, that by keeping up the controversy for one year, the patent would be broken down. Dr. Blaisdell says "Clarke would not pay you, for he could get the use of the letheon for one year, before you could get the license from them, and by that time they could ruin the sale of it there," and he might well have added, and with it the discoverer; a very common fortune to men who render the most important services to their race.

Time, and the reasonable limits of a report, will not allow your committee to dwell upon the few remaining items of kindred testimony. The weight and strength of them have been considered, and the residue, like them, are composed of alleged statements by Dr. Morton to persons with whom he then had or has since had personal controversies touching his discovery, and they are all in contradiction to the claims which Dr. Morton daily promulgated in print to the world. Those printed papers are, as your committee conceive, the best evidence of what Dr. Morton all that time claimed, and what he conceded; they are of the time and of the transaction; they do not admit of misstatement, misconstruction, or falsification; they are of unvarying and exact memory; and they speak the language of undoubted truth as to the claims, though not as to the rights of the author. His claims, contemporaneous with these papers, are what these witnesses attack. His *rights* we have already considered; and, as to the evidence of his *claims*, that which he insisted and said was his, the published papers stand against the testimony of these witnesses, as written or printed evidence against parol. His alleged confessions, made under the most improbable circumstances, are in direct contradiction to his printed circulars, daily and contemporaneously promulgated to the world. If, then, these alleged parol admissions stood against the printed and published papers, without anything beside to add strength to either, we could not, in our conscience in weighing the conduct of men by rational probabilities, hesitate to give the decided preponderance to the printed over the parol evidence. But the parol evidence runs counter to all the leading facts in the case heretofore considered and established, in the opinion of your committee, by the most indubitable proof, while the printed circulars and notices entirely agree with them, and make with them one uniform and consistent whole. The objects of the parties, their claims, their efforts, their purposes, the same throughout. The deposition of A. Blaisdell is, however, worthy of especial comment. At the time he professes to have had the conversation in which Dr. Morton accords all the merit of the discovery to Dr. Jackson, he was the agent of Dr. Morton, spreading his circulars throughout the land; had taken care to send one of them to

each and every surgeon dentist in New York; and yet now declares that he was especially charged with the information which he takes care to inculcate, that these circulars were all false in the most material point, and that the patent which he is selling is void by reason of that falsehood.* He was at the same time in habits of almost daily correspondence with Dr. Morton; and the difficulties which he met with occurred while he was absent, and it would most naturally have suggested itself to him to communicate them to Dr. Morton by letter, and in that way get his assent to obviate them by declaring Dr. Jackson the *sole discover*. But he does not do so; if he had, his letter and Dr. Morton's answer would have been in writing; and, then, if there were truth in the statement of those alleged admissions, there would have been one item of written evidence to support them. But this is wholly wanting. Blaisdell professes to have waited till his return to Boston, and then to have held a private conversation with Dr. Morton, who at once and eagerly admitted away his *whole claim*, both to money and reputation.

It is remarkable that, in more than three months, during all which time these witnesses say Dr. Morton conceded to Dr. Jackson the merit of being the "sole discoverer," and during all which time he was daily writing and almost daily publishing, there is not produced one line written by Dr. Morton, or written to him, countenancing the idea; nor is there one act of his which looks to such admission. A written admission, or an ambiguous paragraph in writing, which could be fairly construed into an admission, or a letter written *to him* during that time, which could be reasonably construed to refer to such admission, would be ten-fold the value of all the parol testimony now presented, of those admissions. Dr. Morton has shown to the committee several bound volumes of letters addressed to him upon this subject, all of which recognize him as the discoverer. Viewing these statements in this point of light, comparing them with the printed and published papers,† in which Dr. Morton contemporaneously and continually asserted his claims to the discovery, and finding them opposed, as they are, to the well settled facts of the case already considered, they weigh,

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*Extract from A. Blaisdell's letter to Dr. Morton, dated New York, December 29, 1846.—"I am sending one of your circulars to every dentist in New York."

New York, December, 31, 1846.—"I have sent a circular to every dentist in New York city, and written on the cover where I am to be found."

In a letter from Pittsburgh dated February 1, 1847, he writes: "I gave him a few circulars to give his neighbors." Remarks to the same effect occur in other letters.

Octobor 26, 1846.—Dr. Morton has discovered a compound, by inhaling which, a person is thrown into a sound sleep, and rendered insensible to pain, &c.

† "*To the public.*—Dr. Morton, surgeon dentist, No. 19, Tremont Row, Boston, hereby gives public notice that letters patent have been granted by the government of the United States for *his improvement*, whereby pain may be prevented in dental and surgical operations."—*Boston Evening Transcript, November* 20, 1846.

"*Important information for the public at large.*—I do hereby give this public notice, and warn all persons against using *my invention*." "I am particularly desirous that *my invention* should not be abused or entrusted to ignorant or improper hands, or applied to nefarious purposes." "New York Express, Baltimore Patriot, United States (Philadelphia) Gazette, will please insert the above twice every week for four weeks, and send their bills to this office."—*In same paper, December* 4, 1846.

in our opinion, as dust in the balance, and in no wise affect the well settled facts of the case.*

Considering the case presented on its own merits, and independent of any authority whatever, your committee has come to the same conclusion that was arrived at by the board of trustees of the Massachusetts general hospital at their annual meeting in January, 1848, and subsequently confirmed in 1849; and they cannot better state the propositions, which they consider established, than by adopting to this extent the language of the report of that institution. It is as follows: "1st. Dr. Jackson does not appear at any time to have made any discovery, in regard to ether, which was not in print in Great Britain some years before. 2d. Dr. Morton, in 1846, discovered the facts, before unknown, that ether would prevent the pain of surgical operations, and that it might be given in sufficient quantity to effect this purpose without danger to life. He first established these facts by numerous operations on teeth, and afterwards induced the surgeons of the hospital to demonstrate its general applicability and importance in capital operations. 3d. Dr. Jackson appears to have had the belief that a power in ether to prevent pain in dental operations would be discovered. He advised various persons to attempt the discovery; but neither they nor he took any measures to that end; and the world remained in entire ignorance of both the power and safety of ether, until Dr. Morton made his experiments. 4th. The whole agency of Dr. Jackson in the matter appears to consist only in his having made certain suggestions, which led or aided Dr. Morton to make the discovery, a discovery which had for some time been the object of his labors and researches."

And although your committee have deduced their conclusion from the evidence, without resting on opinion or authority, they are greatly strengthened by the concurrence of that highly intelligent and scientific body of men who examined the subject on the spot, while the transaction was yet recent, and who were acquainted with the conduct of the parties during the progress of the discovery and with the character of the witnesses. This conclusion being reached as to the exact state of fact, your committee are satisfied thereon that Dr. Morton is entitled to the merit of the discovery. *The great thought was of producing insensibility to pain, and the discovery consisted in that thought, and in verifying it practically by experiment.* For this the world is indebted to Dr. Morton, and even if the same thought in all its distinctness and extent arose also in the mind of Dr. Jackson, at or prior to that time, yet he did not

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*In answer to a communication by Dr. J. F. Flagg, in which he threatens to take possession of the invention, and in which he attributes the credit of it, if there was any, to Dr. C. T. Jackson, Dr. Morton says: "Unless he can show—and I do not know any body else that can—that, to use his own words, it has been known and published for some years, that the vapor of sulphuric ether would produce the visible effects now said to be discovered, then the invention is original."—*Boston Evening Transcript, December* 10, 1846.

In a letter from Dr. Wells, Boston Post, April, 1847, he makes the following extract from Dr. Morton's letter to him in the early part of October, 1846: "The letter which is thus introduced with my signature, was written in answer to one which I received from Dr. Morton, *who represented to me that he had discovered* a compound."

carry it out by experiment and thus give it to the world; and on that supposition it was the case of an important thought occupying two minds at the same time, one only of whom brought it out by experiment, and is therefore the discoverer. It was clear that the discovery was destined soon to be given to the world. Science had almost reached it; but a single step and it was compassed; and it happened in this case, as in many others, that the necessities of the profession, a want deeply felt in the daily business of life, rather than scientific induction, at last produced the consummation.

That it is a discovery we cannot doubt; that it is an advance beyond the heretofore known walks of science, we know; and scientific men of all civilized nations, even to the extremities of the earth, acknowledge and proclaim it.*

As to the question whether a sum of money shall be appropriated by Congress as a reward for this discovery, your committee beg leave to refer that subject to the consideration of this House. Numerous cases, however, have occurred, to which your committee beg leave to refer, in which compensation, in money, has been made by Congress as a reward for like discoveries of less importance to the country and mankind, namely:

Patents purchased.

Tucker and Judge, for the construction of anchors for the navy, Statutes at Large, vol. 6, page 659, $1,500.

Heirs of Daniel Pettibone, for the use of the circular bullet moulds, Statutes at Large, vol. 6, page 833, $5,000.

Boyd Reily, for the use of the gas in vapor baths, Statutes at Large, vol. 6, page 904, $5,000.

William H. Bell, for elevating heavy cannon, and for pointing the same, Statutes at Large, vol. 5, page 126, $20,000.

—— Babbit, for the right of use of the patent anti-attrition metal, Statutes at Large, vol. 5, pages 547 and 636, $20,000.

Heirs of Robert Fulton, for the great benefits conferred upon the country by his improvements in navigation by steam, 1st Session Laws, 29th Congress, page 102, $76,300.

Anne M. T. Mix, widow of M. P. Mix, for the purchase of Mix's manger stopper, Session Laws, 1st session 29th Congress, page 139, $3,000.

Appropriations for experiments to test patents.

Samuel Colt, submarine battery, Statutes at Large, vol. 5, page 584, $15,000.

Sarah F. Mather, submarine telescope, Statutes at Large, vol. 5, page 667, $2,000.

Samuel F. B. Morse, electro-magnetic telegraph, Statutes at Large, vol. 5, page 618, $30,000.

* Dr. Morton has exhibited to the committee a large pile of original letters, shewing that in the fall of 1846, immediately after his discovery, he sent agents with apparatus to nearly all the hospitals in the United States, to promulgate and extend the use of the ether gratuitously.

For testing inventions for preventing explosions of steam boilers, Statutes at Large, vol. 5, page 793, $5,000.

—— Earle, for the preservation of canvass, Session Laws, 2d, 29th Congress, page 87, $5,000.

Uriah Brown, steam fire-ships and shot-proof steamships, Session Laws, 2d session 29th Congress, page 93, $10,000.

James Crutchett, for testing solar-gas light and erecting fixtures, Session Laws, 2d session 29th Congress, page 162, $18,500.

—— Isherwood, to test light for light-houses, Session Laws, 1st session 30th Congress, page 192, $6,000.

This discovery is the long sought desideratum of surgeons. His sinking heart, when witnessing the writhings and agonies of his patients, has looked to this as a consummation devoutly to be desired. Various narcotics have been employed. Mesmerism, and its kindred neuralogy, were tendered as this great boon; but they have passed, and with them the expectations of the profession, and the promises of their discoverers. Dr. J. C. Warren, page 3, in his work on etherization, says: "A new era has opened on the operating surgeon! His visitations on the most delicate parts are performed not only without the agonising screams he has been accustomed to hear, but sometimes with a state of perfect insensibility, and occasionally even with the expression of pleasure on the part the patient. Who could have imagined that drawing a knife over the delicate skin of the face might produce a sensation of unmixed delight? That the turning and twisting of instruments in the most sensitive bladder might be accompanied by a beautiful dream? That the contorting of anchylosed joints should co-exist with a celestial vision? If Ambrose Pare, and Lovier, and Desault, and Chesselden, and Hunter, and Cooper, could see what our eyes daily witness, how would they long to come among us, and perform their exploits once more.

"And with what fresh vigor does the living surgeon, who is ready to resign the scalpel, grasp it, and wish again to go through his career under the new auspices!"

We quote also from the same: "In order to form a proper estimate of the value of the new practice, we should endeavor to realize the mental condition which precedes a surgical operation. As soon as a patient is condemned to the knife, what terrors does his imagination inflict! How many sleepless nights, and horrible dreams, and sinkings of the heart does he experience! What apprehensions of dangerous bleedings, of wounds of vital parts, and even of sudden death does he paint to himself! And when to these is added the dread of insupportable pain, what a frightful picture presents itself to the mind! No wonder that many persons are unable to bring themselves to submit; no wonder that some, wrought to desperation, are led to anticipate their sufferings by a voluntary death. Horror of the knife led a gentleman in this city, afflicted with a stone in the bladder, to commit suicide. When the terror of corporeal suffering is taken from this load of apprehension, the patient may indulge a hope which leads him cheerfully to uncertain dangers."

In reply to communications addressed the Surgeon General of the Army, and Chief of the Medical Department of the Navy, we learn that chloroform or ether are used in both these departments, and that they constitute in part the supplies for the service, and have been used during the recent war with Mexico. This would, in justice, entitle the memorialist to compensation, as the laws of the United States guaranty to him all benefits in its use by all persons. Had we not already exceeded the usual limits of a report, we would gladly introduce numerous testimonials of the advantageous use of anæsthetic agents in various diseases, besides those subject to surgery. And we deem the subjoined tables, showing its introduction into the hospitals of the United States, will give a general idea of the usefulness of the discovery, and its general applicability to disease. They are taken from the Transactions of the American Medical Association, assembled in Baltimore in May, 1848:

List of patients who have inhaled ether or chloroform for surgical operations in the Massachusetts General Hospital up to April 1, 1848; furnished by H. J. Bigelow, M. D.

Date.	Sex.	Age.	Operation.	Disease.	Discharge.
1846. Oct. 16	Male	20	Ligature of	Erectile tumor	December 7, well.
17	Out patient	–	Removal of	Fatty tumor	Well.
Nov. 6	Female	19	Amputation of thigh	Dislocation of knee	December 22, well.
6	do	53	Removal of lower jaw	Carcinoma	November 30, well.
Dec. 5	do	55	Amputation of breast	do	February 12, well.
9	Male	30	Reduction of	Dislocated humerus	December 10, well.
12	Female	58	Removal of	Carcinoma, (upper jaw)	December 24, well.
13	Male	47	Plastic operation after	Sloughing of scrotum	December 31, well.
19	do	21	Removal of	Deformity in lip	December 24, well.
22	Female	58	Reduction of	Dislocated humerus	December 29, well.
1847. Jan. 2	Male	27	Operation for	Fistula in ano	January 14, well.
2	Female	42	Amputation of leg	Dislocation of ankle	February 23, well.
2	Male	24	Amputation of fingers	Accidental injury	January 3, much relieved.
9	Female	57	Amputation of leg	Necrosis	April 20, well.
19	do	27	Removal of	Malignant disease of labium	February 8, much relieved.
23	Male	51	do	Fatty tumor	February 8, well.
Feb. 6	do	42	do	Cancer of lip	February 9, well.
6	do	23	Operation for	Traumat. aneurism	March 4, well.
6	do	27	Removal of	Vascular tumor	February 20, well.
20	do	27	Amputation of leg	Railroad accident	July 31, well.
Mar. 6	do	25	Removal of	Exostosis	April 15, well.
6	do	50	Actual cautery	Disease of spine	November 1, not relieved.
13	do (out patient)	32	Removal of	Tumor on face	March 19, well.
13	Female	24	do	Encysted tumor	Well.
14	do	40	Operation for	Vesico vag. fistula	Vide infra.
24	Male	39	Amputation of leg	Railroad accident	March 29, dead.
Apr. 3	do	50	Actual cautery	Disease of spine	Vide supra.
3	Female, (out patient)	25	do	do do	June 24, not relieved.
3	Male	34	Removal of	Tumor on face	Uncertain.
3	Female	19	Amputation of leg	Dis. of tarsus	May 13, well.
7	Male	30	Amputation of thigh	Railroad accident	April 9, dead.
14	Female, (out patient)	40	Operation for	Vesico vag. fistula	May 3, well.
17	Female	32	Reduction of	Dislocated radius	Well.

LIST—Continued.

Date.	Sex.	Age.	Operation.	Disease.	Discharged.
1847. Apr. 17	Female	35	Removal of	Colloid tumor	May 10, well.
24	Male (out patient)	21	Operation for	Necrosis of tibia	June 15, much relieved.
24	Female	20	Removal of	Polypus nasi	Well.
29	do	38	do	Tumor on knee	September 24, well.
May 1	do	23	do	Scirrhous parotid	June 18, well.
1	do	39	do	Epulis	May 3, well.
8	do	39	Amputation of breast	Carcinoma	June 9, well.
8	do (out patient)	23	Evulsion of nail	Onychia	Vide infra.
8	Male	–	Breaking down	Stiff elbow	Uncertain.
13	Female	23	Amputation of toe	Onychia	May 29, well.
15	do	34	Amputation of breast	Carcinoma	June 15, much relieved.
15	Male	67	Amputation of penis	do	June 9, well.
15	do	49	Removal of	Cancer of lip	May 17, well.
26	Female	53	do	Tumor on face	July 19, well.
26	Male	20	Amputation of finger	Whitlow	June 25, well.
26	Female	25	Actual cautery	Disease of spine	Vide supra.
26	Male	22	Laying open	Sinus in thigh	July 19, well.
29	do	49	Amputation of breast	Carcinoma	July 28, well.
29	do	29	Introduction of seton	Ununited fracture	October 31, much relieved.
June 5	do	60	Amputation of thigh	Necrosis of tibia	July 4, dead.
5	do	23	Division of cicatrix	Contracted fingers	August 7, relieved.
8	do	22	Amputation of arm	Injury by machinery	September 11, well.
8	Female	35	Amputation of breast	Carcinoma	June 28, well.
11	Male	17	Removal of	Glass in thigh	June 19, well.
13	do (out patient)	31	Puncture of bladder	Retention of urine	August 27, well.
19	do	33	Removal of	Fatty tumor	Well.
24	do	45	Amputation of arm	Railroad accident	June 24, dead.
25	do	59	Ligature of	Hæmorrhoids	July 8, well.
July 3	Female	19	Removal of	Epulis	August 18, well.
3	Male	19	Operation for	Disease of fibula	Vide infra.
14	do	39	Amputation of thigh	Dislocation of knee	August 9, well.
19	do	23	Division of cicatrix	Contracted fingers	Vide supra.
21	Female	19	Second operation for	Epulis	Vide supra.
30	Male	45	Breaking down	Still knee	December 2, much relieved.

Aug.	3	do		29	Insertion of pegs	Ununited fracture	Vide supra.
	7	Female		30	Operation for	Fistula in ano	October 25, well.
	7	Male		47	do	Strangulated hernia	August 21, dead.
	14	Female		39	Breaking down	Stiff shoulder	September 3, well.
	14	Male		3 m.	Extirpation of testis	Encephaloid disease	August 17, well.
	18	Female		30	Amputation of breast	Carcinoma	September 4, well.
	21	do		26	do do	do.	
	21	do		10	Dissecting out	Cicatrix of burn	September 23, relieved.
	28	Male		43	Ligature of	Hæmorrhoids	September 10, well.
	28	do		57	Removal of	Cancer of lip	September 14, well.
Sept.	2	do		40	Amputation of leg	Railroad accident	September 3, dead.
	4	do		25	Amputation of thigh	Fungoid tumor	October 25, well.
	4	Female		36	Removal of upper jaw	Carcinoma	September 14, relieved.
	8	Male		28	Trephining os calcis	Caries	November 2, well.
	18	do		37	Removal of	Polypus nasi	September 20, well.
	18	do		60	Amputation of arm	Malignant ulcer	December 15, well.
	25	do		42	Removal of	Fatty tumor	September 28, much relieved.
	25	do		25	Trephining tibia	Caries	November 2, much relieved.
	27	do		25	Amputation of leg	Railroad accident	January 14, well.
	27	do		26	do do	do do	December 21, well.
Oct.	2	do		19	do do	Spina ventosa	March 2, well.
	2	do		63	Amputation of arm	Encephaloid disease	October 16, much relieved.
	2	Female		28	Amputation of breast	Carcinoma	October 19, well.
	6	Male		32	Operation for	Fistula in ano	November 13, well.
	9	Female		70	Amputation of breast	Carcinoma	November 5, well.
	9	do		4	Evulsion of nails	Onychia	October 20, well.
	11	Male		60	Operation for	Reducible hernia	October 30, much relieved.
	14	do		19	Amputation of finger	Caries	October 28, well.
	16	Female		19	Operation for	Necrosis of tibia	January 14, well.
	16	do		20	Laying open	Sinus in breast.	
	16	Male		42	Removal of	Fatty tumor	December 3, well.
	16	do		48	Amputation of breast	Carcinoma	November 8, well.
	22	do		7	Division of	Cicatrix in mouth	November 9, well.
	23	do	(out patient)	24	Reduction of	Dislocated ulna	November 5, well.
	23	Female		3½ m.	Ligature of	Cutaneous nævus	October 23, much relieved.
	26	Male		72	Application of caustic	Malignant ulcer	December 19, not relieved.
	26	do		33	do do	Varicose veins	Novembr 19, relieved.
	27	do		38	Removal of	Cancer of lip	November 5, much relieved.
	27	Female		17	do	Encephaloid tumor	February 2, well.
	29	Male		45	Incision of abdomen	Infiltration of urine	November 5, dead.
	30	Female,	(out patient)	22	Amputation of toe	Caries	February 21, well.

LIST—Continued.

Date.	Sex.	Age.	Operation.	Disease.	Discharged.
1847. Oct. 30	Male	50	Actual cautery	Disease of hand.	
30	do	25	Removal of	Deformity of lip	December 6, well.
Nov. 6	do	34	Amputation of thigh	Disease of knee	November 12, dead.
6	do	12	Operation for	Necrosis of femur	February 12, well.
6	do (out patient)	72	Removal of	Cancer of lip	November 22, well.
6	Male	64	Excision of	Tumor on nose	November 20, much relieved.
13	Female	18	Dissecting out	Cicatrix on face	November 26, well.
13	Male	72	Actual cautery	Malignant ulcer	Vide supra.
17	Female	30	Amputation of fingers	Compound fracture	January 31, well.
20	Male	48	Ligature of	Hæmorrhoids	December 15, well.
20	Female	56	Amputation of breast	Carcinoma	January 7, dead.
Dec. 4	Male	72	Actual cautery	Malignant ulcer	Vide supra.
4	do	46	Plastic operation after	Sloughing of scrotum	February 17, well.
4	do	50	Operation on	Tumor in neck	January 22, much relieved.
4	Female	35	Amputation of breast	Carcinoma	December 25, well.
11	Male, (out patient)	14	Operation for	Necrosis of tibia.	
11	Male	50	Actual cautery	Dis. of hand	Vide supra.
11	do	4	Operation for	Hare-lip	December 15, well.
11	do	25	2d amputation of leg after	Sloughing of flap	Vide supra.
12	do	3	Operation for	Reducible hernia	December 30. much relieved.
18	do	27	Removal of	Encephal testicle	January 15, dead.
18	do	73	do	Cancer of lip	December 29, well.
24	Female	29	do	Tumour in labium	January 13, well.
29	Male	50	Actual cautery	Tumour in neck	Vide supra.
1848. Jan. 1	do	39	Operation for	Fistula in ano	January 21, well.
1	Female*	16	Division of	Contracted tendon	February 2, well.
8	Male**	27	Removal of	Abdominal tumor	January 8, dead.
10	do*	23	Amputation of thigh	Gangrene.	
10	Female*	32	Reduction of	Dislocated humerus	January 19, well.
22	Male*	9	Operation for	Hare-lip	January 31, well.
23	do*	51	Reduction of	Strangulated hernia	January 24, well.
23	Female	20	Insertion of seton	Sinus in breast.	
29	Male*	54	Operation for	Cancer of lip	February 5, well.
Feb. 5	do*	22	Removal of	Preputial warts	March 2, well.

12	do*	29	Evulsion of	Inverted toe-nail	March 25, much relieved.
12	do*	48	Removal of	Tumour in neck	March 1, well.
23	Female*	6	do	Pin in throat	March 1, well.
26	Male*	30	do	Scrofulous testicle	March 13, well.
Mar. 4	do*	31	Operation for	Fistula in ano	March 16, well.
11	do	18	Lithotrity.		
11	do	22	Amputation of thigh	Dis. of knee	
12	do	30	Amputation of fingers	Injury by machinery	
13	Female	6	Amputation of leg	Railroad accident	
22	Male	33	Reduction of	Dislocated hip	
25	Female	12	Operation for	Hare-lip	
31	Male	20	Amputation of thigh	Railroad accident	

RESULTS.

Well	95
Much relieved	17
Relieved	5
Not relieved	7
Dead	11
Uncertain	2
Still under treatment	17
	154

These operations include—

Amputation of thigh 9; of which 3 were cured, 3 died, and 3 remain under treatment.
" leg 11; " 8 " 2 " 1 remains under treatment.
" arm 4; " 2 " 1 " 1 was relieved.
" breast 12.

N. B.—Those marked * inhaled chloroform; the rest ether.

List of cases in which operations have been performed, while under the influence of ether and chloroform, in the first surgical division of the New York hospital. Furnished by John Watson, M. D.

Date.	Sex.	Age.	Disease and operation.	Agent.	Result.
1847.					
January -	Female -	11	Ectropion - - - - - -	Nitrous oxide gass -	Pain diminished, patient excited and uncontrollable.
February 13	Male -	27	Amputation of thigh for chronic sinovitis -	Ether -	Partial insensibility, with excitement; result not stated.
13	Male, col.	27	Caries of the knee joint, tubercles of the lungs; amputation.	do -	Produced excitement; death in three or four days from disease of lungs.
March - -	Male -	26	Dislocation of femur into ischiatic notch; attempt at reduction.	do -	Complete insensibility—operation unsuccessful; no injury from ether.
April 17	do -	34	Severe gun-shot wound, compound fracture of arm and forearm; amputation at shoulder-joint	do -	Not perfectly insensible, had confused unconsciousness. Died of tetanus on the 12th day after the operation.
May 11	Female -	40	Scirrhous breast; removal - - -	do -	Failed in inducing insensibility; recovered.
July 24	Male -	28	Amputation of leg, for compound luxation of tibia	do -	Entire unconsciousness; recovery.
October 25	do -	25	Amputation of leg, for chronic disease of ankle-joint.	do -	Complete insensibility, slight convulsions, roseolous eruption of neck, which soon disappeared.
29	do -	19	Dislocation of head of thigh bone, in the thyroid foramen; reduction.	do -	Complete insensibility and relaxation of voluntary muscles; reduction easily accomplished.
25	do -	12	Laceration of foot and amputation - -	do -	Complete insensibility; recovery.
November 11	Female -	19	Malignant tumour; extirpation - - -	do -	do do
9	do -	55	Carcinoma of breast; extirpation - -	do -	do do
30	do -	30	Congenital union of middle and ring fingers; division	do -	do do
					do do
11	Male -	35	Scirrhous testicle; extirpation - - -	– –	
1848.					do do
February 18	Female -	50	Scirrhous mamma; extirpation - - -	Chloroform -	
26	do -	10	Autoplastic operation for cicatrix following burn	do -	do do
15	do -	20	Amputation of little finger - - -	do -	do do
April 1	Male -	19	Injury of hand; immediate amputation - -	Ether -	Totally unconscious; recovery.
27	Female -	16	Necrosis of the whole shaft of the tibia; extraction of dead bone.	do -	Complete insensibility during a protracted operation; doing well.

Total, 19 cases; in 15 sulphuric ether was used; in 3 chloroform; in 1 nitrous oxide gas.

Operations under the use of chloroform and ether, in the second division of the New York hospital.

Date.	Sex.	Age.	Disease and operation.	Agent.	Result.
1847.					
July 7	Male -	13	Gun-shot wound; partial amputation of the hand -	Ether -	Anæsthesia perfect; no pain; all cases prior to this had been imperfectly etherized; recovery.
24	do -	38	Removal of tumor involving ulnar nerve - -	do -	Complete insensibility to pain.
21	do -	31	Removal of hemorrhoid - - - -	do -	Complete insensibility; recovery.
17	A boy	–	Fracture of lower jaw; reduction - - -	do -	No pain.
October 26	Male -	27	Stricture; operation - - - - -	do -	No pain or ill effects from ether. Death November 3.
No date noted	do -	66	Compound fracture; amputation of thigh - -	do -	No pain or ill effects; in hospital.
November 19	do -	50	Amputation of leg - - - - -	do -	Was apparently unconscious, but said afterwards that he suffered greatly; cured.
1848.					
January 2	do -	27	Extensive laceration and fracture; amputation of the thigh.	do -	No pain; recovery.
3	do -	21	Necrosis; amputation of the finger - - -	Chloroform	do. do.
4	do -	19	Opening abscess of thigh - - - -	do -	No pain; in hospital.
24	do -	18	Diffuse suppuration and sloughing of arm; amputation	do -	No pain; anæsthesia, attended with vomiting; cured.
February 8	do -	19	Lacerated wound and fracture; amputation of the hand.	do -	No pain; cured.
11	do -	30	Compound fracture and luxation of ankle joint; amputation.	do -	No pain; continues in hospital.
15	do -	49	Gangrene after first amputation of feet - -	do -	do do - do.
19	do -	38	Compound fracture of the thigh; amputation; secondary hemorrhage; tying of the external iliac and and femoral arteries.	do -	No pain; in three operations, no ill effects from chloroform. Died of secondary hemorrhage.
16	do -	43	Compound fracture; amputation of ring finger -	do -	No pain; vomiting; cured.
March 3	do -	18	Paronychia; incision - - - - -	do -	No pain; cured.
3	do -	19	Injury; amputation of thumb - - -	do -	No pain; vomiting; cured.

Total, 18 cases. In 11, chloroform was used; in 5, ether; in 2, not stated. Total in both divisions, 37 cases. It is added that numerous cases of minor surgery occurred, in which one or the other of these agents was employed, and of which no record was kept, as most of the patients were not inmates of the hospital, and left immediately after being relieved. Amongst these, besides a number of cases of tooth-drawing and opening of abscesses, three cases of dislocation of the humerus were satisfactorily reduced under the influence of chloroform; in one case the bone had been out for three weeks. A dislocation of the same bone of six weeks' duration, was also reduced with like success, under the use of ether, the extension being effected, in this instance, by means of Jarvis's apparatus.

Report of cases in which ether and chloroform were used in surgical operations at the clinic of the University of Pennsylvania, in the session of 1847–'48. *Furnished by H. H. Smith, M. D.*

Date.	Disease.	Article used.	Surgeon.
1847.			
October 20	Fissure of the anus; by caustic	Ether	Dr. Horner.
27	Amputation of leg	do	do.
27	Fungus of eyeball; extirpation	do	Dr. Gibson.
27	Fissure of the anus	do	Dr. Horner.
November 10	Necrosis of the tibia	do	Dr. Gibson.
December 1	Scirrhus of mamma; extirpation	do	Dr H. H. Smith.
15	Fistula in perineo	do	Dr. Horner.
15	Necrosis of femur	do	do.
1848.			
January —	Encysted tumor of scalp; excision	do	Dr. H. H. Smith.
—	Fistula in ano	do	Dr. Horner.
26	Fistula in perineo	Chloroform	do.
February 9	Stricture of the urethra	do	do.
16	do do	do	do.

Total, 13 cases.

Operations in which ether or chloroform was used, at the Clinic of the Jefferson Medical College. Furnished by T. D. Mutter, M. D.

Date.	Sex.	Age.	Operation.	Disease.	Agent.	Result of the agent.	Result of the operation.
1847.							
July 19	Male	19	Resection	Conical stump	Ether	Partly successful	Cured.
September 15	do	30	Removal of	Fungous testis	do	Successful	do
22	Female	25	do	Wens of scalp	do	do	do
October 13	Male	38	Extirpation	Fungus of eyeball	do	do	do
20	do	14	Amputation of thigh	White swelling	do	Partly successful	do
20	do	30	Removed	Tumor of eye	do	Successful	do
23	Female	30	do	Tumor of shoulder	do	Failed	do
23	do	35	Excised	Scirrhus of mamma	do	Perfectly successful	do
27	do	46	Removed	Tumor of scalp	do	Partly successful	do
27	Male	27	Operation for	Fistula in ano	do	Successful	do
30	do	40	Amputation of finger	Railroad accident	do	Partly successful	do
November 3	do	6	Operation for	Deformity. Burn	do	Failed	do
7	do	49	Removal of	Tumor of neck	do	Perfectly successful	do
10	do	32	Operation for	Fistula in ano	do	Failed	do
13	Female	36	Removal of	Tumor of scalp	do	Partly successful	do
13	Male	17	do	Tumor of thigh	do	Failed	do
24	do	22	Extraction of	Cartilage from knee-joint	do	do	do
27	do	14	Removal of	Inverted toe-nail	do	Perfectly successful	do
December 1	do	25	do	Tumor of neck	do	Partly successful	do
1	Female	20	do	Tumor of jaw	do	Failed	do
8	Male	30	Operation for	Fistula in ano	do	Successful	do
8	Female	20	do	Ectropium	do	Partly successful	do
15	Male	47	Removal of	Lupus tumor	do	Successful	do
15	do	18	do	Inverted toe-nail	do	Perfectly successful	do
15	do	20	do	Cancroid tumor	do	Successful	do
22	do	14	Operation for	Phimosis	do	Partly successful	do
22	do	31	do	Fistula in ano	do	Successful	do
25	do	34	Resection for	Pseudarthrosis of humerus	do	Failed	do
1848.							
January 5	Female	56	Removal of	Scirrhus of mamma	do	Successful	do
8	Male	43	Operation for	Fistula in ano	do	do	do

LIST—Continued.

Date.	Sex.	Age.	Operation.	Disease.	Agent.	Result of the agent.	Result of the operation.
1848.							
January 12	Female	48	Excision of	Scirrhus of mamma	Ether	Successful	Cured.
15	Male	27	Removal of	Lupus tumor	do	do	do
22	Female	37	Removal of the whole of the super. maxil. and malar bones, with part of the ethm'd. and palatine.	Epulis tumor of the upper jaw.	Chloroform	Great prostration, accompanied with vomiting and purging.	do
February 2	Male	40	Removal of	Scirrhus testicle	do	Successful	do
5	Female	66	do	Fib. tumor of breast	do	do	do
5	do	25	do	Tumor of shoulder	do	Partly successful	do
9	Male	56	do	Lupus of eye	Ether	Successful	do
9	do	25	Excision	Tumor of zygoma	do	do	do
12	do	35	Operation for	Hemorrhoids	Chloroform	Partly successful	do
12	Female	50	Removal of	Tumor of shoulder	do	Successful	do
12	Male	37	Operation for	Ptosis palpeb.	do	Partly successful	do
16	do	19	Amputation of the leg	Caries of the ankle	do	Successful	Died of tetanus.
19	Female	24	Removal of	Tumor of head	do	Partly successful	Cured.
23	Male	32	do	Tumor of face	do	Successful	do
26	Female	58	do	Wens from the scalp	do	Partly successful	do

Whole number of cases, 45.

Ether used in cases	32
Chloroform in cases	13
	45

The effects of chloroform and ether are similar, each have their advocates, yet your committee are assured that amongst the hundreds of thousands of cases of various diseases in which ether has been used, no case has terminated fatally, in which any injurious effect could be traced to ether. We cannot assert the same for chloroform. The effects of ether are more readily controlled, and its strength is supposed to be but one-tenth that of chloroform.

As citizens of the United States, we feel we have just cause of pride that this discovery, the most important in science, had its origin on our shores, and that its general adoption by the European world, numerous admissions of the discovery here and its usefulness are alike honorable to the recipients of its favors and the discoverer. Professor Simpson, the discoverer of chloroform, in transmitting to Dr. Morton a copy of a pamphlet entitled, "Account of a new anæsthetic agent, as a substitute for sulphuric ether in surgery and midwifery," writes the following note:

My Dear Sir: I have much pleasure in offering for your kind acceptance the accompanying pamphlet. Since it was published, we have had various other operations performed here, equally successful. I have a note from Mr. Liston, telling me also of its perfect success in London. Its rapidity and depth are amazing.

"In the Monthly Journal of Medical Science," for September, I have a long article on etherization, vindicating your claim over those of Jackson.

Of course, the great thought is that of producing insensibility, and for that the world is, I think, indebted to you. I read a paper lately to our society, showing that it was recommended by Pliny, &c., in old times.

With great esteem for you, allow me to subscribe myself,

Yours, very respectfully,

J. Y. SIMPSON.

Edinburgh, *November* 19, 1847.

We close our communication with an extract from the work on etherization, by Dr. J. C. Warren, a name confessedly among the first in the United States in the department of medicine and surgery. "This discovery certainly merits a notice from the American Legislature, since it may take rank, perhaps, of all the great improvements which adorn the present age of surgery. The establishment of union by the first intention, the safe ligature of the great arteries, the substitution of lithotrity for lithotomy, the rejection of pernicious ointments and plasters in the management of wounds, the constitutional treatment of local diseases, and the free external use of cold water, mark the present as the golden period of surgical science.

"The introduction of ether enabling us to perform operations and apply remedies without pain, crowns all these improvements.

"While we would pay a willing and liberal tribute to the individual who has been made the instrument of this discovery, we shoud look higher for its author, and elevate one fervent attributions of

praise and thanksgiving to *Him* who has been pleased, from the rich treasures of *His* goodness, to confer so wonderful a gift on our generation."

The subjoined resolutions were ordered to be appended to the report.

Dr. Lord offered the following resolutions, which were adopted:

Resolved, That the committee having refused to recommend any remuneration to be given to the contestants of the ether discovery, the report of the committee be made in conformity to the above decision.

Resolved, That believing the report of the chairman does fairly express the opinions of the committee, and the real views as embodied in the resolutions of Dr. Fries, herewith published, it is hereby adopted as the report of the committee.

Dr. Fries offered the following resolutions, which were adopted:

Resolved, That, in the opinion of this committee, to Dr. C. T. Jackson is due the credit of having suggested to Dr. W. T. G. Morton that pure sulphuric ether might be inhaled with safety, and that the effect of such inhalation is to produce insensibility; but that, in expressing this opinion, the committee do not wish to convey the idea that Dr. Morton had not previously experimented with this important agent, but refer to the strong proof herewith published, for the evidence that he had thus experimented.

Resolved, That to Dr. W. T. G. Morton is due the credit of having made the first practical application of sulphuric ether as an anæsthetic agent, and demonstrating to the world its power to destroy nervous sensibility to such an extent as to enable surgeons to perform all the various surgical operations upon the human body without pain.

Resolved, That this committee not having employed a clerk, and has therefore not kept a journal of its proceedings at its various meetings, other than what appears on the face of, and published with the report, their proceedings having been informal; therefore, be it—

Resolved, That, for the reasons above set forth, we dispense with publishing any thing purporting to be a journal of proceedings at their various meetings.

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NOTE.—During the preparation of this report there was forwarded to the committee the affidavit of Henry C. Lord, one of the counsel for Dr. Jackson, and also the affidavit of George H. Palmer, and one by Dr. Jackson himself, from which it appears that Mr. Lord, the counsel, called upon Thomas R. Spear—induced Spear to visit him at his chamber, and held a conversation with him, and that his effort in that conversation was to get some admission from Spear that his testimony, given under oath, in the case was untrue. Lord and Palmer say that he did so admit. The witness Spear, who was afterwards called upon, testifies that he *did not*, and states facts which show an effort to entrap him in a mode not usually

practised by the legal profession in the United States. Your committee give no weight to the alleged statements, considering the manner in which they were procured, even as stated by Mr. Lord himself. There was a like attempt to get a contradictory statement from Leavitt, similar in its character with that made with Spear, but more strongly marked by professional irregularity. These depositions in no respect modified the opinion of your committee as to the facts given in question, and only presents another most striking example of the caution with which testimony of the declarations of parties and witnesses should be received unsupported, and especially when contradicted by written papers.

There was also forwarded to us the deposition of N. C. Keep, which is in the following words:

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss.*

I, N. C. Keep, M. D., of Boston, in the county of Suffolk, and commonwealth of Massachusetts, dental surgeon, being called upon by the Hon. Thomas O. Edwards, chairman of a committee at Washington, on patenting compound medicines, to give my testimony in the matter in hearing concerning the claims of Dr. W. T. G. Morton as the discoverer of etherization, depose as follows:

I became associated in the business and practice of dentistry with Dr. Morton on the twenty-eighth day of November, in the year 1846. On the next day we were about to prepare an advertisement for publication, when Dr. Augustus A. Gould called at our rooms. Being pressed with business, I requested him to write the advertisement, with which request he complied. After he had written it, which he did at his own house, he brought it to me, and we read it together. In it the discovery of etherization, without any suggestion having been made by me to that effect, was ascribed in explicit terms to Dr. Charles T. Jackson. Dr. Gould pointing with his finger to the words in which this ascription was expressed, said to me "that will please Jackson." I then showed the advertisement to Dr. Morton, and we read it together. He then exclaimed, with emphasis, "that is good; I like that. I'll take it to the printer." Copies of the advertisement were made under the direction of Dr. Morton, and, as I supposed at the time, without alteration, and published by his order in three evening newspapers. On seeing the advertisement in the Evening Traveller, on the evening of the same day, I was greatly surprised to find that the words which ascribed the ether discovery to Dr. Jackson had been struck out. The next morning I called the attention of Dr. Morton to the fact, and asked him why he struck out those words. He hesitated, and seemed not to know what to say, when I said to him: "Morton, why do you quarrel with Jackson? You injure yourself, and injure the cause." His reply was: "I would'nt if he would behave himself. The credit of the discovery belongs to Dr. Jackson; Jackson shall have the credit of it; I want to make money out of it."

I stated the foregoing facts to my family on the aforesaid even-

ing, and afterwards to other individnals. I have heretofore declined voluntarily testifying to them, but consider that I have no right, upon a call of such a nature as is now made upon me, to withhold this testimony.

N. C. KEEP.

BOSTON, *February* 8, 1849.

When this deposition was received, the chairman of your committee showed it to Dr. Morton, who in a few minutes brought to him a bound book entitled "Miscellaneous Notes." On the 91st page was a manuscript in the hand writing of Dr. A. A. Gould, written evidently on the outside sheet of a letter addressed to Dr. A. A., and post-marked "Washington city, D. C., July 9," from all which it was most manifest that this was the original draft of the advertisement testified to by Dr. Keep. This paper, contrasted with the evidence of Dr. Keep as the contents of an original draft, fixes in the minds of your committee the just value of this species of evidence. This paper is as follows:

"The subscribers, having associated themselves in the business of dental surgery, would respectfully invite their friends to call on them at their rooms, No. 19 Tremont Row; they confidently believe that the increased facilities which their united experience will afford them of performing operations with elegance and despatch, and the additional advantage of having them performed without pain, by the use of the fluid recently invented by Doctors Jackson and Morton, will not only meet the wishes of their former patients, but secure to them additional patronage."